

Disposal of the Former California Department of Transportation District Office Complex

SAN DIEGO COUNTY, CALIFORNIA
DISTRICT 11- SD - 0R0002
(PI# 1100000072)

Final Environmental Impact Report



Prepared by the
State of California Department of Transportation



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FINAL ENVIRONMENTAL IMPACT REPORT

Submitted Pursuant to: Division 13, Public Resource Code – California Environmental Quality Act


STATE OF CALIFORNIA
Department of Transportation

RESPONSIBLE AGENCIES:

City of San Diego
Office of Historic Preservation
Department of Parks and Recreation
California Transportation Commission

12-5-11

Date of Approval



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ABSTRACT: The project proposes the sale of the former California Department of Transportation District Office Complex without restrictions/covenants to a public or private entity. The complex has been vacant since 2006 and is being maintained as is. After researching the potential to market the building with protective covenants for rehabilitation and adaptive use, Caltrans has determined that it is neither prudent nor feasible to sell the complex parcel with protective covenants for the building. Project alternatives that have been considered for the proposed project include: 1) selling the Complex with restrictions; 2) selling the Complex without restrictions; 3) transferring the Complex to the Department of Parks and Recreation (DPR); or 4) taking no action. Caltrans has concluded, pursuant to PRC § 5024.5 and PRC § 5024(f), that the sale of the complex without protective covenants, even with the mitigation proposed, would constitute an adverse effect. Pursuant to CEQA Guidelines §15064.5(b)(3)(c), Caltrans also determined that the disposal of this property without protective covenants is a substantial adverse change due to reasonably foreseeable potential for demolition or alteration of the property's historic characteristics. Hazardous Waste/Materials are also known to be present in the Complex. Impacts would be associated with any future development and subject to environmental review in accordance with the California Environmental Quality Act.

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CHAPTER 1 – PROPOSED PROJECT

1.1 Project Location

The former Caltrans District Office Complex (Complex) is located at 2829 Juan Street, San Diego, California, 92110. It lies within the community of Old Town which is bound on the north by Interstate 8, on the west by Interstate 5, on the south and east by the neighborhood of Mission Hills. The complex is legally described as Block 409 of Old San Diego made by James Pascoe in 1870, on file in the Office of City Engineer, in the City of San Diego (City), as Miscellaneous Map number 40. The facility occupies approximately 2.48 acres and contains a total of 115,735 square feet of office space.

1.2 Purpose and Need

The project (hereinafter “Project”) proposes the disposal of the Complex. The purpose of the Project is to dispose of an excess state-owned property that is not being occupied or utilized. The property has been vacant since 2006, and the total cost associated with maintaining the facility has been in excess of \$150,000 since 2006, which doesn't include utilities or unexpected maintenance requirements. The need for the Project is to save the state money that is being spent to maintain the vacant facility, and to generate revenue.

Caltrans disposes of excess parcels or properties if they are no longer needed for future transportation purposes or if they are not suitable for use in restoring, preserving, or improving the scenic beauty next to the highway. Streets and Highways Code Section 118 permits Caltrans to sell, contract to sell, sell by trust deed, or exchange real properties or interests in properties, in the manner and upon terms, standards, and conditions established by the CTC when Caltrans determines that any real property or interest acquired by Caltrans for transportation purposes is no longer necessary for those purposes. Once these properties have been identified, they can be disposed of through public sale. State agencies are required to dispose of excess property at fair market value unless directed otherwise by legislation. Excess land disposal activities are considered projects under the California Environmental Quality Act (CEQA), but are categorically exempt. The exception to the exemption is where the project may cause a substantial adverse change to the significance of a historical resource, such as the proposed Project.

Because the future use of the property after its sale would be speculative, and because any future change to the property would require additional permitting, this EIR is limited to the sale of the property and does not speculate as to its future use.

Caltrans has prepared this Final Environmental Impact report (Final EIR) to inform the public and decision-makers about the potential environmental effects of the proposed project, which is based on the associated technical studies and input received during the public comment period.

The Final EIR contains:

- A line in the margin to indicate where substantive, non-editorial changes between the draft and final document have occurred;
- Copies of the Notice of Availability and Notice of Completion for the Draft EIR;
- A list of persons, organizations, and public agencies that commented in the Draft EIR during the circulation period (August 19, 2011 to October 3, 2011);

- Copies of comments received in response to the Draft EIR; and,
- Caltrans responses to substantive environmental points raised in the review process.

The document identifies significant environmental impacts of the proposed project that could not be avoided if it is implemented; describes environmental impacts found not to have the potential to result in significant environmental impacts and therefore not requiring detailed analysis in the EIR; and provides a list of personnel and agencies contacted during the EIR preparation, references cited and EIR preparers.

1.3 Historical Background

The Complex reflects the efforts by the State of California, Public Works Department along with the Division of Architecture and Highways to modernize its infrastructure to meet challenges and needs of a post World War II economy. The selection of the site was related to its convenient and central location to downtown San Diego, revitalization efforts in “Old Town” San Diego, the close proximity of the newly constructed State Route 8 through Mission Valley, and the expanding suburbs of San Diego County.

Construction of the Complex began in 1951. It was completed in the summer of 1953, and later expanded in 1958 and again in 1964. It covers nearly an entire city block bounded by Taylor Street on the north, Juan Street on the east, Calhoun Street on the west, and Wallace Street on the south. Old Town San Diego State Historic Park borders the Complex along Calhoun, Juan, and Wallace streets.

The Complex was occupied by State employees from 1953 through 2006. In the early 1990’s, the lack of sufficient size to accommodate employees, and the rising and continuing costs associated with rehabilitating an aging building became an area of concern. A study prepared by the Office of the State Architect indicates that repairs to the complex were estimated at \$7.1 million (in 1991). In addition, the main office building required seismic retrofit at a cost of approximately \$10 million. This work would have displaced employees to off-site facilities, at an additional cost. Due to the high cost estimates associated with the rehabilitation, and the lack of space, Caltrans initiated the process of finding a new location to house its staff.

The building was vacated by Caltrans employees in 2006 when completion of a new office space was constructed directly across the street. As a result, the former complex is no longer needed, and was declared excess property.

1.4 Why an Environmental Impact Report?

Determining whether a project may have a significant effect plays a critical role in the California Environmental Quality Act (CEQA) process. CEQA Section 15064(f)(1) provides guidance for determining significance effects caused by a project. If a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an Environmental Impact Report (EIR) even though it may also be presented with other substantial evidence that the project will not have a significant effect.

In January 2011, Caltrans submitted to the State Historic Preservation Officer (SHPO) the Historical Resources Compliance Report (HRCR) regarding the historical significance of the

Complex, which Caltrans concluded meets National Register of Historic Places (NRHP) Criterion C as a good example of a “Modernist” office building.

On March 7, 2011, the SHPO concurred with the determination that the Complex is eligible for inclusion in the NRHP as well as the California Register of Historical Resources. Caltrans has concluded, pursuant to PRC § 5024.5 and PRC § 5024(f), that the disposal of the Complex without protective covenants, even with the mitigation proposed, would constitute an adverse effect. Pursuant to CEQA Guidelines §15064.5(b)(3)(c), Caltrans also determined that the disposal of this property without protective covenants is an adverse effect due to reasonably foreseeable potential for demolition or alteration of the property’s historic characteristics.

Figure 1-1 Vicinity Map



Figure 1-2 Location Map



2.0 Project Description/Preferred Alternative

The Project proposes the disposal of the Complex. The purpose of the Project is to dispose of an excess state-owned property that is not being occupied or utilized. Disposal of the Complex without restrictions/covenants to a public or private entity is the Preferred Alternative. After exhaustive efforts of researching the potential to market the building with protective covenants, and transferring the building to the Department of Parks and Recreation (DPR), Caltrans has determined that selling the building without protective covenants or restrictions is the only viable alternative.

2.1 Alternatives Considered But Eliminated From Further Discussion

Selling the building with protective covenants and restriction, transferring the building to DPR and taking no action are all alternatives that have been withdrawn from consideration.

After researching the potential to market the building with protective covenants for rehabilitation and adaptive use, Caltrans determined that it is neither prudent nor feasible to sell the Complex with protective covenants. The requirements needed to save the numerous interior character defining features in accordance with the Secretary of the Interior Standards would limit the list of potential buyers.

Discussions regarding the possibility of transferring ownership to the DPR for use in the Old Town San Diego State Historic Park began as early as 1991. Between 2006 and 2011, Caltrans worked to transfer the complex to DPR. In October 2008, a Memorandum of Understanding (MOU) was developed between Caltrans and the DPR to outline the basis of a future agreement to purchase the Complex. The agreed upon sale price for the property was \$10.7 million which was determined as the fair market value by an appraisal prepared by the Department of General Services in October 2007. DPR would pay Caltrans the sum of \$2.5 million, and the balance of \$8.2 million, would be paid within (10) ten years from the date of the Transfer of Jurisdiction (TOJ). The TOJ would be the formal agreement between the two agencies that would outline the comprehensive mitigation program. During meetings with DPR, it became apparent that DPR was not able to meet the conditions necessary for its purchase of the property. In lieu of DPR making a direct cash payment to Caltrans for the balance, both parties investigated the viability of DPR establishing a Special Fund to be used solely for activities directly related to mitigation credits. Under this scenario, DPR would have located and purchased parcels adjacent to DPR facilities in Southern California and these parcels would have been used to satisfy future Caltrans mitigation requirements. This transaction could not be completed, because DPR staff could not provide suitable parcels that met the requirements of Caltrans to qualify as mitigation sites. On October 29, 2010, a combined DPR and Caltrans management team met to review the findings and make one last attempt to create a workable mitigation program. A workable mitigation program could not be established, so Caltrans notified DPR that efforts to create a mitigation program to satisfy transfer of the Complex would cease. The MOU has expired by its own terms.

During this same time period, the California Highway Patrol (CHP) and the San Diego Association of Governments (SANDAG) were also interested in moving into the Complex, but ultimately decided against it when informed of the excessive costs associated with rehabilitating the facility.

Taking no action would result in the State continuing to spend money to maintain an unoccupied and unutilized excess property.

2.2 Permits and Approvals Needed

The California Transportation Commission (CTC) would provide the final approval for the disposal of the Complex. Streets and Highways Code Section 118 permits Caltrans to sell, contract to sell, sell by trust deed, or exchange real properties or interests in properties, in the manner and upon terms, standards, and conditions established by the CTC when Caltrans determines that any real property or interest acquired by Caltrans for transportation purposes is no longer necessary for those purposes.

CHAPTER 3.0 – CEQA ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
3.1 Aesthetics: Would the project:				
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.1.1 Discussion of Environmental Evaluation Question 3.1 – Aesthetics

The proposed Project solely involves the disposal of the existing Complex, so it would not have an impact on any resource of aesthetic quality.

3.1.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.2 Agriculture and Forest Resources: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

3.2.1 Discussion of Environmental Evaluation Question 3.2 – Agriculture and Forest Resources

The Complex is in an area that does not contain agricultural uses. The site is currently zoned "Core Zone/Commercial", and is not zoned for agricultural use. Conveyance of the building to a new owner would not change this designation.

3.2.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.3 Air Quality: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

3.3.1 Discussion of Environmental Evaluation Question 3.3 – Air Quality

The disposal of the Complex would not affect the capacity or location of major roads or other elements of the transportation system that would cause air quality impacts.

3.3.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.4 Biological Resources: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

3.4.1 Discussion of Environmental Evaluation Question 3.4 – Biological Resources

The disposal of the Complex would not have an impact on any biological resources.

3.4.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.5. Cultural Resources: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.5.1 Regulatory Setting

“Cultural resources” as used in this document refers to all historical and archaeological resources, regardless of significance. The relevant laws and regulations dealing with cultural resources for this project include:

Historical resources are considered under the California Environmental Quality Act (CEQA), as well as California Public Resources Code (PRC) Section 5024.1, which established the California Register of Historical Resources (CRHR). PRC Section 5024 requires state agencies to identify and protect state-owned resources that meet National Register of Historic Places (NRHP) listing criteria. It further specifically requires the Department to inventory state-owned structures in its right-of-way. Sections 5024(f) and 5024.5 require state agencies to provide

notice to and consult with the State Historic Preservation Officer (SHPO) before altering, transferring, relocating, or demolishing state-owned historical resources that are listed on or are eligible for inclusion in the National Register or are registered or eligible for registration as California Historical Landmarks.

3.5.2 Affected Environment

This cultural resource discussion relies on studies prepared for the proposed Project and prior surveys that were performed within the Project Area Limits (PAL).

With respect to the latter, a Historic Architectural Survey Report/ Historic Study Report, prepared in 1993 for the Complex, included a detailed block-by-block analysis of the prior historic land uses within the site. This study affirmed and/or determined the NRHP eligibility determinations for all of the buildings in the office complex and it assessed the potential for buried archaeological resources within the above mentioned Project's footprint. As a result, Caltrans concluded that the Complex was, at that time, not eligible for listing in the NRHP nor the CRHR because the building was not older than 50-years of age and hence not a cultural resource of extreme relevance. It further concluded that there was a strong potential for buried prehistoric and historic archaeological deposits to exist underneath the Complex.

In January 2011, and now in relation to the current attempt to dispose of the Complex, Caltrans submitted a Historical Resources Compliance Report (HRCR) and a Historic Resource Evaluation Report (HREER) to the SHPO requesting their concurrence with Caltrans' determination that the Complex was now eligible for listing in the NRHP under Criteria A and C. Under Criterion A, the property, whose period of significance spans 1953-1964, is eligible at a state and local level of significance for its association with a pivotal period in the development of the state's transportation system and as a product of the Division of Highways mission to innovate, improve, enhance, expand and maintain the state's highway system, and under Criterion C at the local and regional level of significance as a scarce and important example of a mid-twentieth century government/corporate "Modernist" office building in the greater San Diego area. Since the 1993 analysis, the building did achieve 50-years of age and, as a result, was evaluated for NRHP and CRHR eligibility. On March 7, 2011, SHPO concurred that the Complex was eligible for listing in the NRHP under criterion C only and under criterion 3 in the CRHR. SHPO concurred that the Complex is a good example of a "Modernist" office building in the local San Diego area and the best designed district office complex built during the period of 1947 through 1967. As a result and pursuant to PRC 5024.1, the state-owned Complex was placed on the Master List of Historical Resources.

The proposed sale of the property is not subject to a City review, however, once the building is transferred from State ownership, development of the site by a private or public entity, would be subject to review under the City's Land Development Code (LDC) Historical Resource Regulations and in accordance with CEQA Section 15064.5. Any future development would also be required to include mitigation measures (e.g. monitoring during excavation) that would avoid or minimize direct impacts to cultural resources.

3.5.3 Environmental Consequences

A Supplemental HRCR, which documented Caltrans' efforts to determine the feasibility of disposing of the Former District 11 Office Complex with protective covenants and proposed measures to mitigate adverse affects was prepared and submitted to SHPO in April 2011. In preparing the above, specialists working in the preservation field in San Diego were contacted in

March 2011 about the prudence and feasibility of marketing the Complex with historic covenants and restrictions. Although the Complex could be used for various types of businesses, it would be very difficult to sell with interior and exterior covenants due the property's character defining features which would limit the list of potential buyers. Another limiting factor is that the Complex does not fit in with the character of Old Town, which is characterized by the Mexican and early American architectural style. The Complex location is zoned as a "Core Zone", which focuses on replicating and retaining the distinctive character of the Old Town San Diego historic area that existed prior to 1871.

With respect to the potential for buried archaeological resources, because any potential future development would be subject to CEQA with the City acting as the lead agency, pursuant to Public Resource Code (PRC) 5024(f), Caltrans determined that the disposal would constitute a no adverse effect. However, the action as a whole would have an adverse effect.

The Supplemental HRCR concluded, pursuant to PRC 5024.5 and PRC 5024(f) that the disposal of the complex without protective covenants, even with mitigation proposed, would constitute an adverse effect. The SHPO, on April 22, 2011, provided their opinion of the proposed action and agreed with Caltrans regarding the adverse effect.

Pursuant to CEQA Guidelines 15064.5(b)(3)(c), Caltrans then determined that disposal of the property without protective covenants is a substantial adverse change due to the reasonably foreseeable potential for demolition or alteration of the property's historic characteristics.

Although measures to disclose the historic nature of the Complex are proposed, the implementation would not fully mitigate the impacts. These impacts would remain significant and unmitigable.

3.5.4 Avoidance, Minimization and/or Mitigation

- Caltrans would perform a "Heritage" documentation of the Complex that would include: High-resolution digital photographs of the neighborhood, building interior and exterior that would document the structural and decorative elements, as well as the interior spaces. These photos would be of archival quality, printed on photographic paper that would meet the NPS National Register of Historic Place's 75-year permanence standard. These would be produced for the Caltrans Library and History Center in Headquarters (Sacramento). Prints for other repositories would also be produced that don't require the archival standards.
- A Caltrans Former District 11 Office Complex Report will be prepared that contains the historic background in the HRER, digital photographs, a copy of the DPR 523 forms for the complex and copies of original plans, correspondence from the architect, and news clippings dating from its construction. One electronic and archival print copy of the Report will be submitted to the Caltrans Headquarters Transportation Library and History Center. Electronic and/or non-archival copies of the Report will be submitted to: the Caltrans District 11 archives, the Office of Historic Preservation, the San Diego Historical Society, San Diego Modernism, the AIA-San Diego Chapter, the UCLA Architecture Library, the UCSD library, and the California State University San Diego Library.
- Caltrans would conduct an "Open House" where invited architectural students from the School of New Design and the Modernist Society of San Diego, San Diego Modernism, the media and the public can walk about the building to learn, study, and photograph the Complex and its character defining features.

3.6 Geology and Soils: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.6.1 Discussion of Environmental Evaluation Question 3.6 – Geological and Soil Resources

The disposal of the Complex would not have an impact on geological and soil resources, or seismic conditions. Development of the site by a public or private entity would be subject to review under the City's regulations/permitting requirement and in accordance with CEQA. Any future development would also be required to include mitigation measures that would avoid or minimize direct impacts to geologic or soil resources.

3.6.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.7 Greenhouse Gas Emissions: Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans determination that in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project.

3.7.1 Discussion of Environmental Evaluation Question 3.7 – Green House Gas Emissions

The proposed Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

3.7.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.8 Hazards and Hazardous Materials:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.8.1 Regulatory Setting

Hazardous materials and hazardous wastes are regulated by many state and federal laws. These include not only specific statutes governing hazardous waste, but also a variety of laws regulating air and water quality, human health and land use.

The primary federal laws regulating hazardous wastes/materials are the Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). The purpose of CERCLA, often referred to as Superfund, is to clean up contaminated sites so that public health and welfare are not compromised. RCRA provides for “cradle to grave” regulation of hazardous wastes. Other federal laws include:

- Community Environmental Response Facilitation Act (CERFA) of 1992
- Clean Water Act
- Clean Air Act
- Safe Drinking Water Act
- Occupational Safety and Health Act (OSHA)
- Atomic Energy Act
- Toxic Substances Control Act (TSCA)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

In addition to the acts listed above, Executive Order 12088, Federal Compliance with Pollution Control, mandates that necessary actions be taken to prevent and control environmental pollution when federal activities or federal facilities are involved.

Hazardous waste in California is regulated primarily under the authority of the federal Resource Conservation and Recovery Act of 1976, and the California Health and Safety Code. The Hazardous Substance Account Act (HSAA) is the State version of CERCLA which also regulates hazardous waste on the State level. Other California laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup and emergency planning.

Worker health and safety and public safety are key issues when dealing with hazardous materials that may affect human health and the environment. Proper disposal of hazardous material is vital if it is disturbed during project construction.

3.8.2 Affected Environment

The following analysis of potential hazardous waste/materials would be applicable to the proposed Project.

Asbestos Containing Materials

Two hazardous waste reports have been prepared in conjunction with the Complex. At the time that these reports were prepared, the facility was being used as the Caltrans District Office, and housed the majority of the personnel. An Asbestos Survey and Management Plan Report was prepared in May 1986, and an Asbestos Survey Report was prepared in June 1999. The building was surveyed by Environmental Management Inc. /Clayton Environmental Consultants, Inc. (EMI/CEC) in 1986, and the surveys consisted of a building inspection, bulk material sampling, quantification of suspect materials and photographic documentation. Collected samples were shipped to and analyzed using polarized light microscopy by CEC's American Industrial Hygiene Association accredited laboratory in Southfield, Michigan. The surveys were undertaken to locate, identify and document Asbestos-Containing Materials (ACMs), and to evaluate the risk of asbestos fiber exposure that these materials may pose to the building occupants.

Underground Storage Tanks

At one time, underground fuel storage tanks existed on site. The last tank known to exist was a 280 gallon diesel tank used to supply a backup power generator for the Complex.

Groundwater Contamination

A known groundwater – contaminated site exists to the west of the Complex, on lands owned by the California Department of Parks and Recreation (at 2829 San Diego Avenue).

3.8.3 Environmental Consequences

There are no consequences from this Project. The conditions are disclosed below in the event a future owner pursues a project that involves construction within the Complex.

Asbestos Containing Materials

The surveys concluded that ACMs are present in the Complex, primarily in pipe insulation and fittings, floor and ceiling tiles, heater flues, and spray-applied fireproofing. The content ranged from three (3) to forty-six (46) percent, by area as amosite, chrysotile or a combination. Generally, these materials were in good condition, and do not appear to have a high fiber release potential, except for the spray-applied fireproofing. Bulk material samples were collected from chilled and hot water pipe insulation and fittings associated with air handling equipment and from domestic hot water pipe insulation and fittings. The results of the analysis indicated that no asbestos was detected in the insulation on the chilled water piping (supply and return), but amosite and chrysotile asbestos, or a mixture of these components existed in the elbows and fittings. The same components were also present in the hot water piping and fittings, and in portions of the batt insulation above ceiling tiles in some locations. Asbestos was not detected in the boiler insulation or boiler component fittings, nor was it detected in the ceiling tiles or linoleum.

Underground Storage Tanks

The underground fuel storage tank was removed in 1994 and subsequent sampling determined that no contamination remains at the location. Backup power is currently provided by self-contained generator sets with built-in fuel tanks.

Groundwater Contamination

The known groundwater – contaminated site originated from vehicle maintenance and fuel dispensing activities conducted on that property during the 1950's and 60's. The site was partially remediated in the late 1990's by the City, by removal of some of the contaminated soil and groundwater. Based on monitoring well observations, Caltrans has determined that the migration path for the groundwater at the site is toward the west, away from the Complex. Therefore it is unlikely that groundwater contamination would be a hazardous waste issue. No other groundwater contamination sources are known to exist in the immediate vicinity.

Lead-Based Paint

Lead based paint is known to occur in buildings that were constructed prior to 1978. A recent assessment was performed to determine if the potential for lead exist in the ceramic tiles contained in the buildings first and second floor bathrooms. It is presumed that these tiles are pre-1985 and therefore would contain some lead in the glaze. This is a potential impact that could occur if the building is demolished.

3.8.4 Avoidance, Minimization and/or Disclosure

A number of recommendations were provided in the Asbestos Survey and Management Plan Report and the Asbestos Survey Report that would address the identified potential hazardous waste concerns. They include:

- Removing asbestos-containing fireproofing as soon as feasible from the 1966 portion of the Complex, and replacing with non-asbestos-containing material, as required.
- Developing and implementing an Operations and Maintenance Plan to manage ACMs in all portions of the Complex buildings and facilities until removal is feasible.
- Removing ACMs in all building areas prior to renovation or demolition. All removed ACMs should be replaced with non-asbestos-containing material, as required.
- Exposed ACMs in occupied areas should be routinely inspected (e.g. physical/water damage, deterioration) and repaired, removed or replaced with a non-asbestos substitute as conditions warrant.
- Building occupants should be advised of the presence of ACMs, instructed about the potential health hazards and cautioned against any disturbance of these materials.

- Personnel, who as part of their daily work activities must directly come into contact with ACMs, should be provided and trained about the use of protective clothing and equipment and about proper asbestos abatement techniques. Personnel should have routine medical surveillance monitoring according to the California Division of Occupational Health and Safety (CAL/OSHA) regulations.
- An assessment of lead based paints shall be performed by properly trained personnel that are familiar with removal of such substances if the Complex is demolished. Removal and disposal of these materials shall be conducted in accordance with applicable state regulations.

Cost of corrective action was estimated based on information obtained from local contractors, architects and historical file data. The estimate also included the cost of acoustical asbestos material removal, and necessary replacement items such as acoustical material and touch-up painting as required. The budget total was approximately \$500,000.00 (1986 dollars).

Development of the site by a public or private entity would be subject to review under the City's regulations/permitting requirement and in accordance with CEQA. Any future developer would also be responsible for the above referenced avoidance, minimization and mitigation measures, or similar measures, as well as any coordination with regulatory agencies with jurisdiction over the location with regard to human health, clean-up and remediation.

3.9. Hydrology and Water Quality:

Would the project:

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.9.1 Discussion of Environmental Evaluation Question 3.9 – Hydrology and Water Quality

The proposed Project would not violate or degrade any water quality standards or waste discharge requirements, affect groundwater supply, alter existing drainage patterns, create or contribute to runoff that would exceed the capacity of planned or existing drainage systems.

3.9.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.10 Land Use and Planning:

Would the project:

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

3.10.1 Discussion of Environmental Evaluation Question 3.10 – Land Use and Planning

The disposal of the Complex would not have any impacts to the existing land use and planning requirements. The site is located within the City's Old Town San Diego Community Planning Area and any future developments would be subject to review in accordance with the City's LDC including the Old San Diego Planned District Ordinance (PDO), the adopted community plan Architectural and Site Development Standards and Criteria, and the Historical Resources Regulation. The proposed sale of the property is not subject to City review; however, any future development of the site would be subject to the same review as other properties in the Old Town San Diego Community Planning Area including environmental review in accordance with CEQA.

Impacts associated with any future proposed development of the site may or may not be incompatible with the Old Town State Park, but would be subject to review and approval in accordance with CEQA and City requirements.

3.10.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

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| 3.11 Mineral Resources: Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

3.11.1 Discussion of Environmental Evaluation Question 3.11 – Mineral Resources

The proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

3.11.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

- | 3.12 Noise: Would the project result in: | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? ☐ ☐ ☐ ☒

3.12.1 Discussion of Environmental Evaluation Question 3.12 – Noise

The proposed Project does not involve construction and is not a Type 1 project as defined in 23 CFR as 1) the construction of highway on new location; or 2) physical alteration of vertical or horizontal alignment of existing highway; or 3) additional through-traffic lanes, therefore it would not have any noise related impacts. Caltrans extends the Type 1 definition in 23 CFR 772 to State highway projects without federal funding.

3.12.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.13 Population and Housing:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.13.1 Discussion of Environmental Evaluation Question 3.13 – Population and Housing

The disposal of the Complex would not have any impacts on population or housing.

3.13.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.14 Public Services: Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.14.1 Discussion of Environmental Evaluation Question 3.14 – Public Services

The proposed Project would not: cause disruption service ratios, response times or other performance objectives for fire protection, police protection, schools, parks or other public facilities.

The City provides solid waste collection, recycling and disposal services to residences and small businesses that comply with regulation set forth in the Municipal Code and meet specific eligibility criteria. Any proposed future project should consider and plan for the mitigation of solid waste impacts during all phases, including demolition, construction and occupancy.

3.14.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.15 Recreation:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

3.15.1 Discussion of Environmental Evaluation Question 3.15 – Recreation

The proposed Project would not have any impacts on recreational facilities. Impacts associated with any future proposed development of the site may or may not be incompatible with the Old Town State Park, but would be subject to review and approval in accordance with CEQA and City requirements.

3.15.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.16 Transportation/Traffic:

Would the project:

- | | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

3.16.1 Discussion of Environmental Evaluation Question 3.16– Transportation/Traffic

The proposed Project would not have any transportation or traffic related impacts. Any future development of the site would require consulting the City's CEQA Significance Thresholds when evaluating impacts to the City's surrounding roadway system.

3.16.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.17 Utilities and Service Systems:

Would the project:

- | | Potentially
Significant
Impact | Less Than
Significant
with
Mitigation | Less Than
Significant
Impact | No
Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------|------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

3.17.1 Discussion of Environmental Evaluation Question 3.17 – Utilities and Service Systems

The disposal of the Complex would not have any impacts to utilities and service systems. Any new and/or replacement public water and sewer facilities associated with future development of the site would be subject to the most current version of the City's Water Facility Design Guidelines, Sewer Design Guide and any other applicable regulations, standards and practices. Any work proposed by a future development that would exist within the City's Public Right-of-Way would require review by Development Services and the Public Utility Department, and approval of the City Engineer.

3.17.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

3.18 Mandatory findings of Significance

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.18.1 Discussion of Environmental Evaluation Question 3.18 – Mandatory findings of Significance

The proposed Project does not have the potential to degrade the quality of the environment for fish or wildlife species, does not threaten to eliminate a plant or animal community, or have environmental effects which would be cumulatively considerable, or cause substantial adverse effects on human beings, either directly or indirectly.

Impacts associated with any future proposed development of the site may or may not be incompatible with the Old Town State Park, but would be subject to review and approval in accordance with CEQA and City requirements.

3.18.2 Avoidance, Minimization and/or Mitigation Measures

No Mitigation is required.

CHAPTER 4.0 – COMMENTS AND COORDINATION

Early and continuing coordination with the appropriate public agencies and the general public is an essential part of the environmental process to determine the scope of environmental documentation, the level of analysis, potential impacts and mitigation measures and related environmental requirements. Agency consultation and public participation for this Project have been accomplished through formal and informal methods, including community group and planning group presentations, and by the Notice of Preparation (NOP) process.

Pursuant to CEQA, an EIR was prepared for the Project. The NOP was issued by the State Clearinghouse on June 1, 2011, and the review was completed on June 30, 2011. Comments on the NOP were received from the Native American Heritage Commission, the Department of Toxic Substances Control, the Save Our Heritage Organisation, the City of San Diego, the Department of Parks and Recreation, and from California State Senate Representative, Christine Kehoe. These letters are included below. They have been carefully considered in the preparation of this EIR. Some of the letters express concern that the property will not be transferred to DPR. Caltrans has made a concerted effort over a number of years to work directly with DPR on the option of a direct transfer, and these efforts are discussed previously in this document. Some of the letters also indicate a concern for a future impact (from some future project/construction by a future owner) to the Old Town State Park, in the event of an incompatible use being allowed on the property. Such a possible future project on the property would need to be permitted by the City of San Diego and would likely need to show that it is compatible with the Old Town San Diego historic area prior to approval. The future owner may decide to use the current building without demolition. Caltrans would have no control over any such future activity, and the possibilities are too speculative to make a conclusion regarding cumulative impact.

A public hearing was held on August 30, 2011, from 5:00 p.m. to 7:00 p.m. at the current California Department of Transportation District 11 Office, 4050 Taylor Street, Garcia Room, San Diego, CA 92110. The hearing was attended by 14 people, and comments were encouraged. Two oral comments were made by Clay Phillips from the DPR, and local resident Patricia Fillet. In addition, comment sheets were made available; however, no written comments were received. A total of 89 comment letters were received during the public comment period, along with a petition with 500+ signatures, which was submitted by Chuck Ross from Fiesta De Reyes. The comment letters and a single sample page from the petition are included below, along with the corresponding responses.

NOP Recorded by the County Recorder

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

RONALD D. BROWN, Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, MS-242
SAN DIEGO, CA 92110
PHONE (619) 688-0100
FAX (619) 688-4237
TTY 711



*Vict your power!
Be energy efficient!*

July 6, 2011

SCH# 2011061001
APN 442-463-01
DD 2489-01-04
EA 0R0002

County of San Diego
Clerks Office
County Administration Center
1600 Pacific Highway, Room 260
San Diego, CA 92101

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Dear County Clerk,

Subject: Notice of Preparation/Notice of Scoping of a Draft Environmental Impact Report in accordance with the California Public Resources Code, Division 13, §21080.4

This is to inform you that the California Department of Transportation (Caltrans) will be the California Environmental Quality Act (CEQA) lead agency, and will prepare a Draft Environmental Impact Report (Draft EIR) for the disposal of the former Caltrans District Office Complex project. Your participation is requested in the preparation and review of this document.

The project proposes the sale of the approximately 2.48 acre site of the former Caltrans District Office Complex, described as 2829 Juan Street, San Diego, California CA 92110, without restrictions to a public or private entity. The complex was determined to be eligible for inclusion in the National Register of Historical Resources as well as the California Register of Historical Resources. Caltrans has concluded, pursuant to the California Public Resources Code (PRC) §5024.5 and PRC §5024(f), that the sale of the complex without protective covenants, even with the mitigation proposed, would constitute an adverse effect. Pursuant to CEQA Guidelines §15064.5(b)(3)(c), Caltrans also determined that the disposal of this property without protective covenants is a substantial adverse change due to reasonably foreseeable potential for demolition or alteration of the property's historic characteristics. The Draft EIR will provide the required environmental analysis/documentation for the sale of the building.

Project Alternatives that have been considered for the proposed project include: (1) selling the site with restrictions; (2) selling the site without restrictions; (3) transferring the property to the California Department of Parks and Recreation; or (4) taking no action.

FILED
Lester J. Thompson, Jr., Recorder County Clerk

JUL 13 2011

BY L. Kesian
DEPUTY

"Caltrans improves mobility across California"

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on JUL 13 2011
Filed JUL 13 2011 Returned
Returned to agency on
By L. Kesian

SCH#
APN 442-463-01
DD 2489-01-04
EA0R0002

NOTICE OF PREPARATION

To: All
State, Local and Responsible Agencies

From: California Department of
Transportation (CALTRANS)
District 11
4050 Taylor Street, MS-242
San Diego, CA 92110

Subject: Notice of Preparation of a Draft Environmental Impact Report (Draft EIR)
[References: Division 13, Public Resources Code, Section 21080.4 (State);]

This is to inform you that the California Department of Transportation (Caltrans) will be the California Environmental Quality Act (CEQA) lead agency, and will prepare a Draft Environmental Impact Report (Draft EIR) for the project. Your participation is requested in the preparation and review of this document.

The project proposes the sale of the approximately 2.48 acre site of the former Caltrans District Office Complex, described as 2829 Juan Street, San Diego, California (DD 2489-01-04), without restrictions to a public or private entity. The complex was determined to be eligible for inclusion in the National Register of Historical Resources as well as the California Register of Historical Resources. Caltrans has concluded, pursuant to PRC § 5024.5 and PRC § 5024(f), that the sale of the complex without protective covenants, even with the mitigation proposed, would constitute an adverse effect. Pursuant to CEQA Guidelines §15064.5(b)(3)(c), Caltrans also determined that the disposal of this property without protective covenants is a substantial adverse change due to reasonably foreseeable potential for demolition or alteration of the property's historic characteristics. The Draft EIR will provide the required environmental analysis/documentation for the sale of the building.

Project Alternatives that have been considered for the proposed project include: (1) selling the site with restrictions; (2) selling the site without restrictions; (3) transferring the property to State Parks; or (4) taking no action.

A public meeting will be held during the environmental document public review period. Public notice will be given as to the date, location, and time of the public meeting once that information has been determined.

NOP Recorded by the County Recorder

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

Please direct any comments or questions regarding this project to Bruce April, Deputy District Director, Environmental Division, Caltrans District 11, 4050 Taylor Street, MS-242, San Diego, CA 92110.

1/26/11
Date

Bruce L. April
BRUCE L. APRIL
Deputy District Director, Environmental

Native American Heritage Commission NOP Comment Letter

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-6300
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



June 3, 2011

Mr. Bruce April, Environmental Planner

California Department of Transportation, District 11

4050 Taylor Street, MS 242
San Diego, CA 92110

Re: SCH#2011061001 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the: "Sale of the Former California Department of Transportation District Office Building Project;" Located in San Diego County, California

Dear Mr. April:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources. The NAHC wishes to comment on the above-referenced proposed Project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted in; **Native American cultural resources were not identified** within the 'area of potential effect (APE)', based on the USGS coordinates of the project location provided. However, there are Native American cultural resources are in close proximity. The NAHC 'Sacred Sites', as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254.10.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to

obtain their recommendations concerning the proposed project. Pursuant to C.A Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore we recommend, also, that you contact the California Historic Resources Information System (CHRIS) California Office of Historic Preservation for pertinent archaeological data within or near the APE, at (916) 445-7000 for the nearest Information Center in order to learn what archaeological fixtures may have been recorded in the APE.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code 5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code 6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places and there may be sites within the APE eligible for listing on the California Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

2

Native American Heritage Commission NOP Comment Letter

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,


Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

California Native American Contact List

San Diego County

June 3, 2011

Barona Group of the Capitan Grande
Edwin Romero, Chairperson
1095 Barona Road
Lakeside, CA 92040
sue@barona-nsn.gov
(619) 443-6612
619-443-0681

Sycuan Band of the Kumeyaay Nation
Danny Tucker, Chairperson
5459 Sycuan Road
El Cajon, CA 92021
ssilva@sycuan-nsn.gov
619 445-2613
619 445-1927 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120
Boulevard, CA 91905
gparada@lapostacasino.
(619) 478-2113
619-478-2125

Viejas Band of Kumeyaay Indians
Anthony R. Pico, Chairperson
PO Box 908
Alpine, CA 91903
jrothau@viejas-nsn.gov
(619) 445-3810
(619) 445-5337 Fax

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 365
Valley Center, CA 92082
allenl@sanpasqualband.com
(760) 749-3200
(760) 749-3876 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road
Alpine, CA 92001
(619) 445-0385

Ipai Nation of Santa Ysabel
Virgil Perez, Spokesman
PO Box 130
Santa Ysabel, CA 92070
brandletaylor@yahoo.com
(760) 765-0845
(760) 765-0320 Fax

Campo Kumeyaay Nation
Monique LaChappa, Chairperson
36190 Church Road, Suite 1
Campo, CA 91906
(619) 478-9046
mlachappa@campo-nsn.gov
(619) 478-5818 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7060.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.96 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011061091; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Sale of the Former California Department of Transportation District Office Building Project; located in the City of San Diego; San Diego County, California.

Native American Heritage Commission NOP Comment Letter

California Native American Contact List San Diego County June 3, 2011

Jamul Indian Village
Kenneth Meza, Chairperson
P.O. Box 612
Jamul, CA 91935
jamulrez@sctdv.net
(619) 669-4785
(619) 669-48178 - Fax

Mesa Grande Band of Mission Indians
Mark Romero, Chairperson
P.O. Box 270
Santa Ysabel, CA 92070
mesagrandeband@msn.com
(760) 782-3818
(760) 782-9092 Fax

Kumeyaay Cultural Heritage Preservation
Paul Cuero
36190 Church Road, Suite 5
Campo, CA 91906
(619) 478-9046
(619) 478-9505
(619) 478-5818 Fax

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775
Pine Valley, CA 91962
(619) 709-4207

Inaja Band of Mission Indians
Rebecca Osuna, Spokesperson
2005 S. Escondido Blvd.
Escondido, CA 92025
(760) 737-7628
(760) 747-8568 Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road
Lakeside, CA 92040
(619) 742-5587 - cell
(619) 742-5587
(619) 443-0681 FAX

Ewilaapaay Tribal Office
Will Micklin, Executive Director
4054 Willows Road
Alpine, CA 91901
wmicklin@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Ewilaapaay Tribal Office
Michael Garcia, Vice Chairperson
4054 Willows Road
Alpine, CA 91901
michaelg@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

California Native American Contact List San Diego County June 3, 2011

Ipai Nation of Santa Ysabel
Clint Linton, Director of Cultural Resources
P.O. Box 507
Santa Ysabel, CA 92070
cjlinton73@aol.com
(760) 803-5694
cjlinton73@aol.com

Kumeyaay Cultural Repatriation Committee
Bernice Paipa, Vice Spokesperson
P.O. Box 1120
Boulevard, CA 91905
(619) 478-2113

Manzanita Band of the Kumeyaay Nation
Leroy J. Elliott, Chairperson
P.O. Box 1302
Boulevard, CA 91905
(619) 766-4930
(619) 766-4957 - FAX

Kumeyaay Diegueno Land Conservancy
M. Louis Guassac, Executive Director
P.O. Box 1992
Alpine, CA 91903
guassac@onebox.com
(619) 952-8430

Viejas Kumeyaay Indian Reservation
Frank Brown
240 Brown Road
Alpine, CA 91901
FIREFIGHTER69TFF@AOL
(619) 884-6437

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.96 of the Public Resources Code.

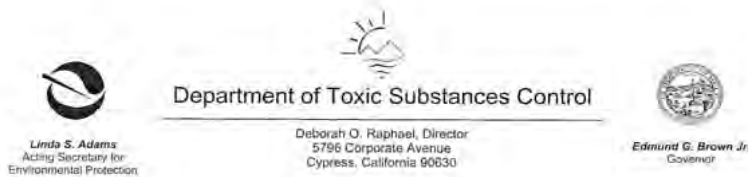
This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011061001; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Sale of the Former California Department of Transportation District Office Building Project; located in the City of San Diego; San Diego County, California.

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.96 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011061001; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Sale of the Former California Department of Transportation District Office Building Project; located in the City of San Diego; San Diego County, California.

Department of Toxic Substances Control NOP Comment Letter



June 22, 2011

Mr. Bruce April
California Department of Transportation, District 11
4050 Taylor Street – MS 242
San Diego, California 92110

NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT
REPORT FOR THE SALE OF THE FORMER CALIFORNIA DEPARTMENT OF
TRANSPORTATION DISTRICT OFFICE BUILDING PROJECT, (SCH# 2011061001).
SAN BERNARDINO COUNTY

Dear Mr. April:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation for a draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The project proposes the sale of the approximately 2.48 acre site of the former Caltrans District Office Building Complex, described as 2829 Juan Street, San Diego, California (DD 2489-01-04), without restrictions to a public or private entity. The complex was determined to be eligible for inclusion in the National Register of Historical Resources as well as the California Register of the Historical Resources. The complex has been vacant since 2006 and is being maintained as is".

Based on the review of the submitted document DTSC has the following comments:

- 1) The EIR should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).

Mr. Bruce April
June 22, 2011
Page 2

- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

- 2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.
- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

Department of Toxic Substances Control NOP Comment Letter

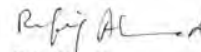
Mr. Bruce April
June 22, 2011
Page 3

- 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 8) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.
- 9) Also, in future CEQA document, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

Mr. Bruce April
June 22, 2011
Page 4

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Rafiq Ahmed
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3236

Department of Parks and Recreation NOP Comment Letter



State of California • Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Edmund G. Brown Jr., Governor
Ruth Coleman, Director

To: Bruce L. April
Deputy District Director, Environmental
District 11
4050 Taylor St M.S. 242
San Diego, CA 92110

Dear Deputy District Director April:

Your letter dated May 27, 2011 was referred to me for response.

Keeping in mind that Caltrans stated at a news conference Sept 5, 2006, attended by the Mayor of San Diego, State Senator Kehoe, and several other elected public officials, that the property was to be transferred to CA State Parks, (Pedro Orso-Delgado, chief of Caltrans District 11, predicted the completion of negotiations in two months), we are distressed that three other alternatives are being considered.

The site on which the building stands is extremely important to the people of San Diego, and the State of California, for a number of reasons, not the least of these that the site is on the banks of the historic riverbed of the San Diego River, a critical factor in the building of the city. In addition, the site was, in the historically significant time period of San Diego, (now called Old Town) the location several important buildings. The site is one of the main entrances to the park, and renovation of the area would be a tremendous asset to the park, and the millions of visitors annually.

The options listed of selling the property would have a tremendous detriment to the entire area, the parks visitors, the historic view shed, and the long term protection of these historic resources.

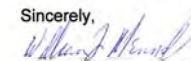
Information from the Old Town Community Planning Commission in 2003-2004, and documented in an EIR, indicated that as part of the mitigation of the new CalTrans District Complex, the property would transfer to the Department of Parks & Recreation as part of Old Town San Diego State Historic Park.

California State Parks does not believe there are significant historical resources at the former Caltrans District Office Complex, such as rare representative features or designer elements.

It was stated in a report prepared by Caltrans, (Renovation Feasibility of District 11 Headquarters, Department of Transportation) in March 1997, that the existing buildings require seismic upgrades, replacement of all lighting, electrical, mechanical, fire suppression, utility, alarm and upgrade elevators to current standards, the cost being about \$5 more per square foot than new construction. In addition, there have been HAZMAT materials found in the buildings that would need to be abated. These were the justification of building the new headquarters across the street. These factors have not been addressed to date.

Therefore, we believe that Caltrans should honor their commitment to the elected officials, and the people of San Diego and the State of California, to transfer the property to California State Parks. In any event, it is apparent the project will need an EIR.

Sincerely,


William F. Mennell
Acting District Superintendent
San Diego Coast District
California State Parks

Cc

Reading file

Save Our Heritage Organisation NOP Comment Letter



Save Our Heritage Organisation
Saving San Diego's Past for the Future

June 30, 2011

Bruce L. April
Deputy District Director, Environmental
District 11
4050 Taylor St., M.S. 242
San Diego, CA 92110

Re: Old Caltrans Building

Dear Deputy District Director April,

This letter is to reaffirm our great concern regarding the old Caltrans building in Old Town. Chief of Caltrans District 11 Pedro Orso-Delgado stated at a press conference on September 5, 2006, flanked by the Mayor of San Diego, State Senator Christine Kehoe, and several other elected public officials, that the property was to be transferred to CA State Parks. Orso-Delgado predicted the completion of negotiations would be in two months. We are distressed that three other alternatives are being considered.

The site on which the building stands is extremely important to the people of San Diego and the State of California for a number of reasons, not the least of these that the site is on the banks of the historic riverbed of the San Diego River and was the critical factor in the location of San Diego. In addition, the site was, in the historically significant time period of San Diego (now called Old Town), the location of the Native American Village of Cosoy and several important buildings including the first store in California. The site is the main entrance to the park, and renovation of the area would be a tremendous asset to the park and the millions of visitors annually.

The alternative option listed as selling the property would have major, unmitigable environmental impact to the entire area, tourism, recreation, the historic viewshed, and the long-term protection of these historic resources.

Caltrans stated to the Old Town Community Planning Group in 2003-2004 that as part of the mitigation of the new CalTrans District Complex, the property would transfer to the Department of Parks & Recreation as part of Old Town San Diego State Historic Park. The Planning Group responded that they would approve the new project only on that basis of mitigation.

It is further stated in a report prepared by Caltrans, (Renovation Feasibility of District 11 Headquarters,

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Bruce Coons, Executive Director

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Department of Transportation) in March 1997, that the existing buildings require seismic upgrades, replacement of all lighting, electrical, mechanical, fire suppression, utility, alarm and upgrade elevators to current standards, the cost being about \$5 more per square foot than new construction. In addition, there have been HAZMAT materials found in the buildings that would need to be abated. These were the justification of building the new headquarters across the street. These factors have not been addressed to date.

Therefore, we believe that Caltrans should honor their commitment to the elected officials, the people of San Diego, and the State of California to transfer the property to California State Parks. In any event, it is apparent the project will need an EIR and appropriate mitigation to a level below significance which I believe is impossible without completing the agreed upon transfer.

Sincerely,

Bruce Coons
Executive Director
Save Our Heritage Organisation

cc: California State Senator Christine Kehoe
California State Assembly Member Toni Atkins

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Fact Sheet

Press Conference on Old Town State Park & "Old" Caltrans Building
Tuesday, September 5, 2006 – 10 AM

Who: **Welcome & Opening Remarks** Senator Christine Kehoe & Mayor Jerry Sanders

Speakers: Senator Denise Moreno-Ducheny (represented by District Director
1-1/2 to 2 Clarissa Falcon)
mins each Assemblymember Lori Saldana
City Councilmember Kevin Faulconer
City Councilmember Donna Frye – Chairperson, San Diego River
Conservancy
City Councilmember Toni Atkins – Member, San Diego River
Conservancy
Pedro Orso-Delgado, Caltrans District 11 Director
Ronie Clark, State Parks District Superintendent
Gary Gallegos, SANDAG Executive Director
Jeannie Ferrell, Chair, Old Town Community Planning Committee
Fred Grand, Old Town Chamber of Commerce
Bruce Coons, Executive Director, SOHO
Cindy Stankowski, San Diego Archaeological Society
Rob Hutsel, San Diego River Park Foundation
Eleanor Neely, Chair of the San Diego Presidio Park Council will attend

What: Press Conference to announce strong local support for Caltrans and State Parks to work out a mitigation credit agreement that would include transfer the former Caltrans building in Old Town to State Parks, to be added to the Old Town State Park.

Old Town, located on the site of California's first permanent European settlement, was founded in 1769, on the hill overlooking the Old Town State Park and the site of the Native America village of Cosoy, which preceded the Spanish Presidio. Old Town is often called the West Coast's Plymouth Rock.

Old Town State Park is 12.96 acres. The old Caltrans site is 2.507 acres.

Old Town San Diego State Historic Park recreates life in the Mexican and early American periods of 1821 to 1872. Five original adobes are part of the complex, which includes shops, restaurants and a museum. La Casa de Estudillo is a mansion built around a garden courtyard. La Casa de Machado y Stewart is full of artifacts that reflect ordinary life of the period. Other historic buildings include a schoolhouse, a blacksmith shop, San Diego's first newspaper office, and a stable with a carriage collection.

14,000 fourth graders attending San Diego City Schools visit Old Town for a week each year.

When: Tuesday, September 5th, 10 am

Where: Old Town State Park in Parking Lot "F" (located behind the old Caltrans building adjacent to the McCoy Visitor Center).

Why: State Parks has the right of first refusal to gain the former Caltrans site. The question is whether Caltrans and State Parks can work out an acquisition strategy based on mitigation credits, that would allow the expansion of the boundaries of Old Town State Park.

The press conference will affirm the strong local support for adding the former Caltrans building site to Old Town State Park:

- Provides opportunity to unearth historic and cultural structures from early to mid 1800s currently buried beneath the building and adjacent parking lot
- Allows the creation of a welcoming "front door" for Old Town State Park
- Restores more of San Diego's early history, and that of the San Diego River, whose banks were originally along the site of the former Caltrans building
- Allows representation of how Native American life along the river was like, showing the connections with the life-giving river such as early gardens and landscapes
- Enhances pedestrian access to Old Town State Park and would allow for better and safer pedestrian access to the City of San Diego's Presidio Park
- State Parks would work with the community to develop a plan for the site

The following historic buildings and cultural resources would be recovered from beneath the former Caltrans building:

- Fitch Store (1843)
- Lyon's Bowling Saloon (1853). Ab Lyon was the Sheriff in 1858-59
- Louis Strass store & residence (1850) (*very possible*)

The following historic buildings would be recovered from under a portion of the existing parking lot near the McCoy Visitors Center:

- Aguilar adobe (1827) (*possible*)
- Serrano Adobe (1830s)
- Osuna House Adobe (1830)
- Fitch House Adobe and Fitch's first store (1830s) (*note: this is the site of the first store in California; the site then moved to the former Caltrans building site*)

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Assembly member Lois Wolk - Capitol Office
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0008

Reg: SB404 (Kehoe)

We are writing as sponsors of this bill,

For years the community has been promised the transfer of the Cal Trans site to State Parks as part of the mitigation for the building of the new Caltrans project just across the street. The new Caltrans project included the demolition of two 1920's historic buildings and major environmental impacts due to the construction of the overly large Caltrans complex. However, that promise to the community is now at risk of being broken due to budgets, the economy and other factors in play.

San Diego was founded in 1769 on Presidio Hill overlooking Old Town and is known as the "Plymouth Rock of the West Coast." It represents the first permanent European settlement in California. The San Diego River's former location explains why the Native American Village of Cosoy, the original settlement at the Presidio, which included the first mission in Alta California and resulting pueblo of San Diego, was founded where it was.

The transfer will add 2.5 acres to the 13-acre Old Town San Diego State Historic Park. The reclamation of this land would be the most significant event since the creation of the 12.96-acre Old Town State Park in 1969 and will begin to take back for San Diego its birthplace. The addition to the State Park would open the 'front door' to Old Town, and reclaim a key piece of San Diego's early history.

A host of leaders have supported the transfer. Senator Kehoe has called it a rare opportunity, "It is not very often that an urban park completely surrounded by development can extend its boundaries

and in the process enhance and protect significant historical and cultural resources." San Diego Mayor Sanders has stated that "not only is this important as an archaeological, cultural and historic site, but also this new addition to Old Town State Park will help facilitate pedestrian access to Presidio Park. This is a significant issue and is important not only for the over 14,000 fourth-grade students from San Diego City Schools who visit Old Town and Presidio Park each year but for the many visitors who rarely make the trek up the hill because of the disconnect between the parks. It's truly an innovative plan that will restore and bolster the cultural history of Old Town as well as provide much needed parkland to San Diego."

Senator Kehoe also said "Parkland is precious to San Diegans and this particular site is all the more important because under it, and under the slope we're standing on right now, are several historic structures that could be excavated and restored, allowing public access to more of our past. Once the river's channel flowed right through this site. To be able to resurrect the vision of those early landscapes and river-related activities, along with the historic structures, is an opportunity that must not be lost."

The restoration of the riverbank will allow the illustration of the long neglected story of the first people to inhabit our area, allow the recreation of some of the first buildings and Native habitations in Old Town and tell the many stories of the Native Americans, Spanish, Mexicans, Americans and others.

This important restoration of a historic and cultural landscape will allow people to stand on the riverbank and experience San Diego's past where it happened, not in books, not in photographs, not in HABs reports, but actually where it happened. With this acquisition San Diego can begin the important journey to take back its rightful place in our nation's history.

Please support and help ensure the passage of this important bill that will allow this once in a lifetime opportunity to recover our most important historic past, and ensure it's enjoyment by present and future generations.

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Sincerely,



Bruce Coons
Executive Director



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Reflections Quarterly Newsletter

Summer 2006 - Volume 37, Issue 3

Making History

By Allen Hazard & Alana Coons

Tuesday, September 6, was a history-making day in the effort to reclaim our lost heritage. A coalition of San Diego's political leaders led by State Senator Christine Kehoe came together in an outstanding show of support and enthusiasm.

Present at this historic occasion were Mayor Jerry Sanders; Senator Kehoe; Assembly member Lori Saldaña; City Councilmembers Kevin Faulconer, Donna Frye; Chairperson of the San Diego River Conservancy and City Councilmember Toni Atkins; District Director Clarissa Falcon represented Senator Denise Moreno-Ducheny; Pedro Orso-Delgado, Caltrans District 11 Director; Ronie Clark, State Parks District Superintendent; Gary Gallegos, SANDAG Executive Director; Jeannie Ferrell, Chair of the Old Town Community Planning Committee; Fred Grand, President of the Old Town Chamber of Commerce; Bruce Coons, SOHO Executive Director; Cindy Stankowski, San Diego Archaeological Society; Rob Hutsel, San Diego River Park Foundation; and Eleanor Neely, Chair of the San Diego Presidio Park Council. They all gathered together for a press conference to announce their support to transfer the former Caltrans site in Old Town from Caltrans to the Old Town California State Historic Park.



(Left to right) SOHO Executive Director Bruce Coons; State Parks District Superintendent Ronie Clark; Senator Christine Kehoe; Rob Hutsel, San Diego River Park Foundation; Caltrans District 11 Director Pedro Orso-Delgado; Assembly member Lori Saldaña; City Councilmember Donna Frye

First, a brief recap. For years the community had been promised that the site would be given to State Parks as a part of mitigation for the building of the new Caltrans project just across the street. This project included the demolition of two 1920's historic buildings at the new site and major environmental impacts due to the construction of the very large Caltrans building. However, budgets, the economy and other factors in play made the fate of the 2.5 acres Caltrans site suddenly in great jeopardy of being sold for development for office buildings.

SOHO, with the help of the Old Town business and the non-profits community, spearheaded a letter writing, email and phone calling campaign that SOHO members bolstered. With Senator Kehoe taking the lead, Assemblywoman Lori Saldaña, and, Councilmember Kevin Faulconer worked together to coordinate the successful campaign.

The transfer would add 2.5 acres to the 13-acre Old Town San Diego State Historic Park. The new addition to the State Park will open the 'front door' if you will, to Old Town, and reclaim a key piece of San Diego's early history. Senator Kehoe called the transfer a rare opportunity. "It is not very often that an urban park completely surrounded by development can extend its boundaries and in the process enhance and protect significant historical and cultural resources." Indeed, the reclamation of this land would be the most significant event since the creation of the 12.96-acre Old Town State Park in 1969 and will begin to take back for San Diego its birthplace.

Mayor Sanders reflected on not only how important this archaeological, cultural and historic site is, but also how this new addition to Old Town State Park will help facilitate pedestrian

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access to Presidio Park. This is a significant issue and is important not only for the over 14,000 fourth-grade students from San Diego City Schools who visit Old Town and Presidio Park each year but for the many visitors and tourists who rarely make the trek up the hill because of the disconnect between the parks. "It's truly an innovative plan that will restore and bolster the cultural history of Old Town as well as provide much needed parkland to San Diego," Mayor Jerry Sanders said.



The river in old San Diego, 1869, courtesy SDHS collection

Caltrans District 11 Director Pedro Orso-Delgado pledged to get a written agreement with State Parks within two months. Senator Kehoe thanked Caltrans for such an aggressive timeline. She went on to say "Parkland is precious to San Diegans and this particular site is all the more important because under it, and under the slope we're standing on right now, are several historic structures that could be excavated and restored, allowing public access to more of our past. I'm personally excited about the opportunity for there to be displays about life along what we now call the San Diego River, by Native Americans, Presidio soldiers and early settlers in San Diego's Old Town. Once the river's channel flowed right through here. To be able to resurrect the vision of those early landscapes and river-related activities, along with the historic structures, is an opportunity that must not be lost."

SOHO Executive Director Bruce Coons reminded us that San Diego was founded in 1769 on Presidio Hill overlooking Old Town and is known as the "Plymouth Rock of the West Coast." It represents the first permanent European settlement in California. The San Diego River's former location explains why the Native American Village of Cosoy, the original settlement at the Presidio, which included the first mission in Alta California and resulting pueblo of San Diego was founded where it was, a story that few people today know about. This important restoration of a historic and cultural landscape will help to change that and San Diegans will be able to stand on the riverbank and experience San Diego's past where it happened, not in books, not in photographs, not in HABs reports, but where it happened, and San Diego can begin to take back its rightful place in our nation's history. It was interesting to see the look on peoples' faces when told that the hill in the asphalt parking lot on which we were all standing actually was the riverbank! Love those visuals.

On the site of the former riverbed itself is where, in circa 1907, the Mission Olive Oil Factory was built. This was one of the most fanciful Mission Revival style buildings in San Diego and it also played an enormous role in the growth of the commercial olive oil industry, which is a large part of our agricultural patrimony and yet another important piece of our history largely forgotten. It was demolished in 1952 for the construction of the current office building, which was designed by architect C.J. Paderewski for Caltrans. This building has long been slated for removal by Caltrans in part because it is located directly on an earthquake fault. The restoration of the riverbank will allow us to finally illustrate the neglected story of the first people to inhabit our area, allow the recreation of some of the first buildings and Native habitations in Old Town and tell the many stories of the Native Americans, Spaniards, Mexicans, Americans and others. This can all be part of the newest addition to Old Town San Diego State Historic Park and add greatly to understanding the legacy of San Diego's origins. The reclamation of this site will also allow on adjacent State Park property the reconstruction of Henry Fitch's and Josefa Carrillo's store and residence, California's first real store (1830s); the Osuna Adobe (1830); and possibly the Aguilar adobe (1827), whose remains lie just beneath the surface.

Many SOHO members were in attendance to show their support and celebrate the day. We thank those who took the time on a weekday morning to participate; your show of support was noted by all in attendance and greatly appreciated. We thank our political leaders for having the vision to secure this legacy.

Search

Victor A. Walsh
Draft #3
1,140 words
July 8, 2006

"Once There Was A River"

Once there was a river. It flowed down into the rich bottomlands and past a series of steep, indented bluffs bordering a tiny *pueblo* towards the bay. Sandbars and islands, cut by the river's channels, dotted its broad-flowing areas. Willows, cottonwoods and poplars grew along its winding banks. Coastal sage scrub covered the higher ground. Marshes teemed with wildlife, especially birds and waterfowl.

This river, the San Diego River, was the source of life to all cultures that existed in the Old Town area from pre-history through much of the 19th century. When the Spaniards arrived in 1769, the Kumeyaay Indian village of Cosoy reportedly existed on a low bluff protected by trees where the river emptied into an estuary.

Part of the river, several Mexican Era adobes, and possibly a portion of Cosoy itself lie buried beneath the Caltrans site at Juan and Taylor Streets. Assemblyman Juan Vargas (D-San Diego) this year introduced AB 2081 to include the soon-to-be vacated Caltrans property as part of Old Town San Diego State Historic Park (SHP).

Why is the Caltrans acquisition so important? Why should San Diegans care? Because this heavily urbanized park is the city's historic birthplace. It is historic ground, and the idea of setting aside a portion of a park to recreate its historic landscape as used by our forebears is novel, indeed eventful. Nothing like it exists, even remotely, in San Diego.

Acquiring this site is essential to telling the story of early San Diego. The river played an indispensable role in Old San Diego's development; without it there would have been no settlement. The early settlers, many retired Spanish soldiers from the hilltop *presidio*, planted their *huertas* or garden lots near the river and built their adobe homes on elevated ground west of the plaza.

After the Caltrans office complex is demolished, State Parks plans to use the property and adjoining park land around the McCoy House to create cultural landscapes as used by the native Kumeyaay and Mexican and early American settlers. The long-range vision is to cover the McCoy House parking lot and intervening paved streets (Calhoun and Wallace). A section of the historic riverbed and bluffs could be recreated with native vegetation, including stands of native willow.

A recreation of Cosoy could include *metates*, grinding stones, a pit for firing clay pots, stacks of dry bunch grass, a shell midden, an *'e-waa*—the traditional brush-covered hut made from willow saplings—and perhaps some baskets, tools like fish hooks, awls and nets, and trade items such as salt and acorns. The village garden would have sage, greens, and cacti planted in it. Along the banks of the river, there would be examples of native plants gathered by the Kumeyaay, such as lemonade berry, wild lilac, and juncus.

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The cultural landscape of the Mexican Era—the *huerta* of a retired soldier—could feature a vegetable and herb garden, a pear or fig orchard, a cactus fence or adobe wall, a hand-dug well, and maybe a corral and a bed of Castilian roses. Flowers, especially roses, often adorned the “altar rooms” of Catholic families living in Old Town into the early twentieth century.

At least three historic buildings should be reconstructed, as funding becomes available. They are Josefa Carrillo and Henry Fitch’s two-story adobe store and home on the Caltrans site, and Guadalupe Machado and Albert B. Smith’s wood-frame house and adobe near the reconstructed McCoy House. Erected in the 1830s, Fitch’s store did a brisk business trading cowhides, tallow, and *aguardiente* (brandy) for textiles and apparels shipped in from New England, China, and Mexico. The Machado-Smith houses, which were built ca 1855-1866, stood on a beautiful sloped garden lot overlooking the river.

Many of the paved walkways, subtropical gardens, and other 20th-century landscape trappings in the park will be removed in the near future. This does not mean that State Parks plans to create a barren, treeless landscape in Old Town, as some may think. *California* and American families like the Carrillos and Fitches, the Machados and Smiths planted orchards and vegetable gardens. Their adobe and wood-frame homes had grape arbors and gardens of flowering Castilian roses, jasmine, geraniums, and cups of gold vine. Their world, although not idyllic and often grim, was alive with color and smell—a fecundity and mysticism that is missing from ours.

The Vargas bill has so far generated widespread local support. It has been unanimously endorsed by the Old Town Community Planning Group, Historic Old Town Community Foundation, Old Town Chamber of Commerce, Old Town School Program, Save Our Heritage Organisation, Friends of the Whaley House, Friends of the Old Adobe Chapel, and Old Town Business Improvement District. City councilman Kevin Faulconer, who represents Old Town, strongly supports the acquisition.

On May 30th, the State Assembly unanimously passed the bill by a 79-0 vote. The assembly bill, however, did not provide any funding for the State to acquire the property. According to a committee report, Caltrans wants \$13 million.

The bill is presently before the Senate Subcommittee on Natural Resources and Water. Senator Christine Kehoe (D-San Diego), another strong supporter of the acquisition, is a member of this committee and the most likely sponsor of the bill in the State Senate.

Until two weeks ago the question of appropriations appeared to be the barb on which the bill could be snagged. But then something unusual happened: Vargas suddenly withdrew his bill, possibly because of his defeat for reelection in the June primary. The state legislature reconvenes on August 7th. If he does not retract his decision, the bill will have to be reintroduced in the assembly during the 2007-8 session, which is an unlikely scenario.

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If the bill becomes inactive during the next session, Caltrans will be free to sell its property to the highest bidder—in this case a private contractor. Rumor has it that there are at least two developers interested in the property. San Diegans do not need yet another office complex or hotel, especially on historic ground that should be rightfully set aside as a “living reminder” to their heritage. Too much has already been lost in this city due to unbridled growth and development.

This setback unfortunately comes at a time of promise for the park. The San Diego Coast District of State Parks was recently awarded \$1.8 million by the California Cultural and Historical Endowment to restore the Casa de Bandini, a historic landmark, to its operation as the Cosmopolitan Hotel during the 1870s. Rehabilitation of three other historic adobes, including the Casa de Estudillo, is also likely with the possibility of deferred maintenance money from State Parks.

The Caltrans acquisition, however, is the most critical component of Old Town’s redirection as a historic park. Without it, a rare opportunity to salvage a part of our heritage, where a river once flowed, will be lost forever.

Contact:

Ruth Coleman, Director
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Senator Christine Kehoe NOP Comment Letter

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California State Senate

SENATOR
CHRISTINE KEHOE
THIRTY-NINTH SENATE DISTRICT



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- LEGISLATIVE COUNSEL (CLERK)
- LEGISLATIVE COUNSEL (CLERK)
- LEGISLATIVE COUNSEL (CLERK)

July 1, 2011

Bruce April
Deputy District Director, Environmental
Caltrans District 11
4050 Taylor Street, M.S. 242
San Diego, CA 92110

Dear Mr. April,

Thank you for the opportunity to respond to the Notice of Preparation/Notice of Scoping of a Draft Environmental Impact Report on the proposed disposal of the former Caltrans District Office Complex in Old Town, San Diego.

It is unfortunate that Caltrans has backed away from the Memorandum of Understanding (MOU) signed on October 15, 2008 between the Department of Transportation (Caltrans) and the Department of Parks and Recreation (Parks), and is proceeding with the potential sale of the former Caltrans property.

Caltrans has identified four alternatives: 1) selling the site with restrictions; 2) selling the site without restrictions; 3) transferring the property to State Parks; or 4) taking no action.

I fully support immediately transferring the property to State Parks, which is consistent with my position since 2006. Selling the property, with or without restrictions, would have significant unmitigable environmental impacts to the Old Town community, tourism in the Old Town area and the potential reduction of revenues to the state from the local concession agreements, recreational access to the Old Town State Park and the City of San Diego's Presidio Park, the historic viewshed and the long term protection of historic and cultural resources in Old Town State Park and specifically on the former Caltrans property.

The stated purpose of the 2008 MOU was "to outline the basis for an agreement between Parks and Caltrans for Parks purchase of real property controlled by Caltrans located at 2829 Juan Street, San Diego California, commonly referred to as the Old District 11 Office Building." In 2006, Caltrans had declared the property as surplus to its future needs, pursuant to California Streets and Highways Code sections 118, *et. seq.* Parks had expressed enthusiastic interest in purchasing the property for inclusion in its Old Town State Historic Park.

The public had been told on September 6, 2006, that "Old Town San Diego State Historic Park would acquire the 2-1/2-acre site of Caltrans' former district headquarters, then excavate and reconstruct historic structures buried underneath it, under a plan being worked out between the two state agencies. The rare chance to expand the boundaries of the urban park, which historians regard as one of the most important sites in the development of the West Coast, was hailed by San Diego officials and preservationists." ["Old Town pursuing former Caltrans site," *San Diego Union-Tribune*, September 6, 2006]

On September 5th, I announced the plan for the transfer of the property in a news conference on the site. Joining me were San Diego Mayor Jerry Sanders and City Councilmembers Kevin Faulconer, Donna Frye, Toni Atkins, Assemblymember Lori Saldana, Caltrans District 11 Director Pedro Orso-Delgado and State Parks District Superintendent Ronie Clark, among others.

Old Town, located on the site of California's first permanent European settlement, was founded in 1769 on a hill overlooking the Old Town State Park and the site of the Native American village of Cosoy [AD 500 to the early 1920s], which preceded the Spanish Presidio. Old Town is often called the West Coast's Plymouth Rock. Old Town State Park is 12.96 acres. The Caltrans site is 2.48 acres.

Old Town San Diego State Historic Park recreates life in the Mexican and early American periods of 1821 to 1872. Five original adobes are part of the complex, which includes shops, restaurants and a museum. La Casa de Estudillo is a mansion built around a garden courtyard. La Casa de Machado y Stewart is full of artifacts that reflect ordinary life of the period. Other historic buildings include a schoolhouse, a blacksmith shop, San Diego's first newspaper office and a stable with a collection of carriages.

The transfer of the property from Caltrans to Parks would allow the creation of a welcoming "front door" for Old Town State Park and allow the direct connection with the San Diego River, whose banks were originally along the site of the former Caltrans building. Expanding the park would allow a representation of what Native American life along the river was like, showing the connections with the life-giving river such as early gardens and landscapes. It would enhance pedestrian access to Old Town State Park and allow for safer pedestrian access to the City of San Diego's Presidio Park.

The following historic buildings and cultural resources could be recovered from beneath the former Caltrans building, where they have been hidden from the public for over 50 years: the Fitch Store (1843); Lyon's Bowling Saloon (1853) – Ab Lyon was the Sheriff in 1858-59; and the Louis Strass store and residence (1850) which may not be intact.

The following historic buildings would be recovered from under a portion of the existing parking lot near the McCoy Visitors Center: the Serrano Adobe, dating from the 1830s; the Osuna House Adobe, 1830; possibly the Aguilar Adobe from 1827; and the Fitch House Adobe and Fitch's first store, dating from the 1830s. The current parking lot is the site of the first store in California, and the site then moved to the former Caltrans building site.

Old Town is one of the state's top cash-generating parks. In 2009 there were more than 5.5 million visitors to the park.

The October 2008 MOU laid out the terms of the Transfer of Jurisdiction for the building: a \$10.7 million sale price as determined by a fair market value appraisal prepared by the Department of General Services in 2007.

Senator Christine Kehoe NOP Comment Letter

with an initial cash payment of \$2.5 million. The \$8.2 million balance would be paid within ten years from the effective date of the Transfer of Jurisdiction. The payment of the balance was to be in the form of mitigation credits acceptable to Caltrans, or any other form of consideration agreed to by both Parks and Caltrans. The MOU then stipulated that within six months of the signing of the MOU, Parks and Caltrans would develop a comprehensive mitigation program to satisfy the obligations of the MOU.

That six month period dragged on for two more years, with no agreement forthcoming between Caltrans and Parks.

In November 2010, I was informed by Parks that the Department was not interested in pursuing the mitigation program or final Transfer of Jurisdiction document because the value of the property is no longer \$10.7 million.

It has been confirmed to me that Parks has \$2.5 million available for a down payment for the property, but due to budget cuts Parks cannot guarantee that it would have the balance within ten years nor does Parks have the staff available to locate and acquire the appropriate mitigation properties to meet Caltrans' needs.

In December 2010, I was informed by Caltrans that a new appraisal would be done. Subsequently, I was informed by Caltrans that a second appraisal was done. I have not been privy to the results of those appraisals.

Caltrans has also informed me that now the building is more than 50 years old it is eligible to be considered to be an historic structure. The building leaks and according to Caltrans, costs the department approximately \$50,000 a year to maintain the building that has been empty for almost five years.

As part of the environmental review for the approval of the "new" Caltrans District 11 headquarters in Old Town, the Old Town community was told that the "old" building would be transferred to Parks to be added to Old Town State Park in partial mitigation for the construction of the new Caltrans complex. Please clarify whether the transfer of the property to Parks was part of the mitigation for the new Caltrans complex.

There are changed circumstances since 2006. The value of the property cannot be the \$13.6 million that it was in 2006, given the glut of empty and underused or undervalued business properties in the San Diego region. The roof leaks and the homeless occupy the site at times, despite security.

California Government Code 14673 states that, "The jurisdiction of real property owned by the state may be transferred from one state agency to another state agency with the written approval of the director. In connection with such a transfer, the director may authorize the payment of the consideration he or she deems proper from available funds of the receiving agency to the transferring agency."

I have been informed by Parks that in addition to the \$2.5 million, the Department has \$6.5 million to demolish the building and remediate the contaminated materials including asbestos known to be in the building.

Maintaining this special property in public ownership should be a priority for the state. We must not let the opportunity be lost to preserve and protect the historic and cultural treasures buried beneath the former Caltrans site.

As to the Notice of Preparation of a Draft EIR, my concerns are as follows:

What is the status of Caltrans declaring the property to be surplus? Is legislation required to approve any sale that might be proposed? Is legislation required to effect a transfer between Caltrans and Parks?

What timeline would be required to implement a transfer of the property to Parks or to sell the property?

Who determines why types of restrictions could be placed on the sale and future use of the property? What kind of restrictions can be placed on the property that would limit the type of businesses and/or activities so they are not in direct competition with the Old Town State Park concessionaire's long term lease?

What income has the state received from Old Town State Park each year over the last five years?

What impact is anticipated from development of the site as a new entryway to the park; as a commercial business; as low/moderate income housing; as an office building; as a school site; as a museum; as a hotel; or any other public or private use?

Please include an analysis of the impact that a large commercial building on the site would have on pedestrian and vehicular access to Old Town State Park and the surrounding tourist-related businesses.

The neighborhood is a mix of tourist-related businesses, the state park, the "new" Caltrans building, a major transit center and residential properties. Please describe the potential land uses and zoning for the site, parking requirements, height restrictions, design criteria, etc., and how they would affect the existing state park and residential uses.

Please include an analysis of the impacts to air quality during the construction of a new building on the site and how it would affect tourists visiting Old Town State Park, and identify possible mitigation.

There are known historic and culturally significant structures under the building and parking lot, plus the potential for additional historic and cultural resources that were not identified when the building and parking lot were originally constructed over 50 years ago. How will these resources be protected?

The building is known to contain asbestos. Please identify how the asbestos will be contained and what other hazardous materials are known or expected to be found on the site. Where is the water table for the area? Another state agency informed me that an underpass could not be constructed at the Old Town Transit Center because the water table was too high on Taylor Street.

What options exist for requiring a buyer to either construct subterranean floors for parking, utilities, etc., or restricting such design because of underground aquifers or a high water table because of the proximity to the San Diego River?

Old Town State Park is one of the most heavily visited state parks in California. What options are available for restricting development of the site to tourist-supporting activities that would enhance the experience of visiting the park?

Please describe the types of restrictions that might be applied to any potential sale that would encourage public access to the park and support of park activities.

The site is immediately adjacent to one of the busiest transit centers in the county, with bus, trolley and heavy rail access. Traffic and parking issues have been a matter of concern in the Old Town neighborhood for many years. The state is in the process of implementing a paid parking program at Old Town State Park which will affect parking practices at the new Caltrans complex, at parking lots under the control of Parks, and at the park and ride lot immediately adjacent to the transit center. How will parking be affected should the property not be transferred to Parks?

Should a new building be proposed with and without restrictions as to height, usage, etc., what impacts could that have on Old Town State Park operations and access by the public? What loss of income might the state experience from reduced patronage to the shops and restaurants that pay a percentage of their sales to the state?

Please provide estimates of trip generation during construction and how that would affect the availability of parking in the area.

Senator Christine Kehoe NOP Comment Letter

What type of parking restrictions are possible for any new building? Can a restriction be added that any new building must charge employees for parking?

What options are available to protect on-street parking for local residents?

What plans are proposed by the San Diego Regional Airport Authority for programs starting/stopping at the Old Town Trolley Station?

Let me reaffirm that retaining the property in public ownership and transferring the former Caltrans site to State Parks is the highest and best use of the property. With \$2.5 million in hand for immediate transfer to Caltrans, and \$6.5 million available to tear down the building, remediate hazardous materials and prepare the site for use, I urge Caltrans to select as its Preferred Alternative the immediate transfer of the property to State Parks.

Sincerely,



CHRISTINE KEHOE
Senator, 39th District

City of San Diego NOP Comment Letter



July 1, 2011

Bruce April, Deputy District Director
Environmental Analysis Section, Branch B
California Department of Transportation, District 11
4050 Taylor Street, MS 242
San Diego, CA 92110

Signed copy Submitted via email to: bruce.april@dot.ca.gov and olga_estrada@dot.ca.gov

Subject: CITY OF SAN DIEGO COMMENTS ON THE NOP FOR THE OLD CALTRANS DISTRICT 11 OFFICE COMPLEX (SCH No. 2011061001)

The City of San Diego ("City") acting as a Responsible Agency in accordance with CEQA has received the Notice of Preparation (NOP) for the above referenced project and appreciates this opportunity to provide comments to Caltrans as they relate to the future sale of this property. In response to the NOP, the City is providing general comments related to potential environmental issues associated with future development of this site after sale of this property to a public or private entity. In addition, once the property is transferred from State ownership, the City would then assume Lead Agency responsibility under CEQA and any future development of the site would be subject to the provisions of the City's Land Development Code and its applicable implementing regulations.

Staff from the following divisions within the Development Services Department ("DSD") provided comments on this NOP (Environmental Analysis, Transportation Development, Urban Form-Historical Resources and City Planning).

LAND USE/PERMITTING

The project site is located within the City's Old Town San Diego Community Planning Area and is subject to review in accordance with the City's Land Development Code (LDC) including the Old San Diego Planned District Ordinance (PDO), the adopted community plan Architectural and Site Development Standards and Criteria, and the Historical Resources Regulation. The pending sale of this property is not subject to City review; however, future development of the site will be subject to the same review as other properties in the Old Town San Diego Community Planning Area including environmental review in accordance with CEQA. This information should be disclosed in the Caltrans DEIR so that the public is fully informed of which agency will have land use authority over the project site.

DEVELOPMENT SERVICES
1222 FIRST AVENUE, MS 501 - SAN DIEGO, CA 92101-4155
TEL (619) 446-5460

PAGE 2 OF 3
Bruce April, Deputy District Director
Caltrans, District 11
July 1, 2011

CULTURAL RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

The City of San Diego is aware that the Old Caltrans District 11 Office Complex meets the criteria for listing on the California Register of Historical Resources (Criteria C) and meets the criteria for listing on the National Register of Historic Places (Criteria A and C) as noted in the NOP and correspondence from the State Office of Historic Preservation (SHPO). City staff concurs with this determination and acknowledges that in accordance with CEQA Section 15064.5 that the property meets the definition of a historical resource and shall be presumed to be historically or culturally significant. As such, although the pending sale of this property is not subject to City review, once the property is transferred from State ownership future development of the site by a private or other public entity (without land use authority in the area) will be subject to review under the City's LDC Historical Resources Regulations and automatically eligible for local designation.

The Draft EIR for the sale of this property must also acknowledge the high potential for archaeological resources to be encountered beneath the existing building. As stated previously, although the sale of this property is not subject to discretionary review under the City's LDC, once the property is transferred out of State ownership, if demolition of the existing building and redevelopment of the site is proposed, an archaeological mitigation program will be required in accordance with the Historical Resources Guidelines. The City's Historical Resources Guidelines requires the participation of a Native American monitor during all phases of archaeological investigations. The City is unclear as to whether the Caltrans archaeological monitoring program includes this same requirement. The Historical Resources Guidelines further recommend that any local historical society or descendant group be consulted during the environmental review process, especially where buried archaeological resources could be encountered. The City strongly recommends that Caltrans engage the local descendant community during this process in order to obtain additional ethnographic or historical information about the project site prior to the time when the current building was constructed.

CULTURAL RESOURCES (PALEONTOLOGICAL RESOURCES)

Although sale of the property would not generally trigger the need to review for potential impacts to fossil resources; it should be noted in the DEIR that future development of the site would be subject to review in accordance with CEQA which requires inclusion of measures to avoid or minimize direct impacts to paleontological resources (e.g. monitoring during excavation into fossil bearing formations).

TRANSPORTATION/CIRCULATION

The City of San Diego's CEQA Significance Determination Thresholds (January 2011) should be consulted when evaluating the project as proposed and any of the identified alternatives to determine whether the project would have any significant impacts on the surrounding City roadway facilities. Please contact Ann Gonsalves at (619) 446-5294 or via email agonsalves@sandiego.gov should you have any specific questions regarding transportation issues associated with future development of this site.

DEVELOPMENT SERVICES
1222 FIRST AVENUE, MS 501 - SAN DIEGO, CA 92101-4155
TEL (619) 446-5460

City of San Diego NOP Comment Letter

PAGE 3 OF 3
Bruce April, Deputy District Director
Caltrans, District 11
July 1, 2011

PUBLIC UTILITIES

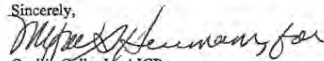
It should be noted in the Draft EIR that all new and/or replacement public water and sewer facilities shall be designed and constructed in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines, Sewer Design Guide and City regulations, standards and practices. Any work within the City's Public Right-of-Way (PROW) will be reviewed for compliance by staff in both the Development Services and the Public Utilities Departments to ensure that systems are designed to meet the satisfaction of the City Engineer. Any questions regarding preparation of construction plans for work within the City's PROW can be addressed by the Engineering Section of the Development Services Department.

SOLID WASTE

The City of San Diego provides solid waste collection, recycling, and disposal services to residences and small businesses that comply with regulations set forth in the Municipal Code and meet specific eligibility criteria. The City also operates the Miramar landfill, which is scheduled to close in 2022. In order to ensure that the City is able to maintain these essential public services and landfill capacity, projects should consider and plan for the mitigation of its solid waste impacts during all phases, including demolition, construction, and occupancy. The Draft EIR should include a discussion regarding what affect the sale of this property and any future development of the site could have on the City's Landfill capacity. Please contact Lisa Wood, Senior Planner at (619) 573-1236 or via email at lwood@sanidiego.gov should you have any specific questions regarding the City landfill capacity or compliance with Municipal Code Ordinances governing landfill operations.

Please contact the appropriate above-named individual(s) if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in the DEIR and provide four copies of the document for distribution to commenting departments/divisions. If you have any additional questions regarding the City's NOP comments, please contact Myra Herrmann, Senior Planner at 619-446-5372 or via email at mherrmann@sanidiego.gov.

Sincerely,



Cecilia Gallardo, AICP
Assistant Deputy Director
Development Services Department

cc: Myra Herrmann, Senior Planner – Environmental Analysis
Cathy Winterrowd, Principal Planner - Historical Resources Board
Tait Galloway, Senior Planner – City Planning
Ann Gonsalves, Senior Traffic Engineer
Lisa Wood, Senior Planner, Environmental Services Department
Environmental file

DEVELOPMENT SERVICES
1223 FIRST AVENUE, MS 501 - SAN DIEGO, CA 92101-4155
TEL (619) 446-5460

Draft EIR Notice of Availability

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

THOMAS D. BROWN, Jr. Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, M.S. 242
SAN DIEGO, CA 92110
PHONE (619) 688-0100
FAX (619) 688-4237
TTY 711
www.dot.ca.gov



*Flex your power!
Be energy efficient.*

August 18, 2011

APN 442-463-01
DD 2489-01-04
EA 0R0002

Dear Interested Parties:

Notice of Availability of the Draft Environmental Impact Report for the Disposal of the Former California Department of Transportation District Office Complex and Notice of Public Hearing

This is to inform you that the California Department of Transportation (Caltrans) has prepared a Draft Environmental Impact Report (Draft EIR) which examines the potential environmental impacts of the alternatives, including the preferred alternative being considered for the proposed disposal of the former Caltrans District Office Complex (Complex) project located at 2829 Juan Street, San Diego, CA 92110. The document discusses why the project is being proposed; what alternatives have been considered; how the existing environment could be affected by the project; the potential impacts of each of the alternatives; and the proposed avoidance, minimization, and/or mitigation measures.

The purpose of the project is to dispose of an excess state-owned property that is not being occupied or utilized. Since 2006, the property has been vacant and the cost associated with maintaining the facility has been in excess of \$150,000, not including utilities or unexpected maintenance requirements. The project will reduce Caltrans funds expended to maintain the vacant facility, and would generate revenue. The project proposes the sale of the Complex.

Disposal of the Complex without restrictions/covenants to a public or private entity is the preferred alternative. After exhaustive efforts of researching the potential to market the building with protective covenants, and transferring the building to the California Department of Parks and Recreation (DPR), Caltrans has determined that selling the building without protective covenants or restrictions is the only viable alternative.

Interested Parties
August 18, 2011
Page 2

Caltrans has enclosed a copy of the Draft EIR for your review and comment. The document can be reviewed at the Caltrans District 11 offices during normal business hours, located at 4050 Taylor Street, San Diego, CA 92110. In addition, the document can also be reviewed at the Mission Hills Library (closed Sundays and Mondays), which is located at 925 W. Washington Street, San Diego, CA 92103. The Draft EIR is also available on the internet at the following location: <http://www.dot.ca.gov/dist11/envir.htm>

A public hearing will be held on Tuesday, August 30, 2011, from 5 p.m. to 7 p.m. at the Caltrans District 11 Office, 4050 Taylor Street, Garcia Room, San Diego, CA 92110. Caltrans staff will be on hand at the public hearing to provide information on the project and answer questions. A certified court reporter will be available to take public comments for the record, or comments may be submitted in writing if preferred. Caltrans will respond to substantive comments in the Final Environmental Impact Report.

The public is invited to make formal comments on the proposed project, and written comments will be accepted during the 45-day public comment period, from August 19, 2011 until October 3, 2011, and should be addressed to:

Olga Estrada, Chief
Environmental Analysis, Branch A
California Department of Transportation, District 11
4050 Taylor Street, M.S. 242
San Diego, CA 92110

If you have any questions regarding this project, please contact me at (619) 688-0100. Thank you for your interest in this transportation project.

Sincerely,

BRUCE L. APRIL
Deputy District Director, Environmental

Enclosure: Draft Environmental Impact Report

"Caltrans improves mobility across California"

"Caltrans improves mobility across California"

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #2011061001

Project Location: County: San Diego City/Nearest Community: Old Town
Cross Streets: Taylor Street and Juan Street Zip Code: 92110
Longitude/Latitude (degrees, minutes and seconds): _____ " _____ ' _____ " N / _____ " _____ ' _____ " W Total Acres: 2.48
Assessor's Parcel No.: 442-463-01 Section: _____ Twp.: _____ Range: _____ Base: _____
Within 2 Miles: State Hwy #: Interstate 5.8 Waterways: San Diego River
Airports: _____ Railways: Amtrak/Coaster/Trolley Schools: Early Learners Children's

Local Action Type:

<input type="checkbox"/> General Plan Update	<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Rezone	<input type="checkbox"/> Annexation
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Prezone	<input type="checkbox"/> Redevelopment
<input type="checkbox"/> General Plan Element	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Use Permit	<input type="checkbox"/> Coastal Permit
<input type="checkbox"/> Community Plan	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Land Division (Subdivision, etc.)	<input checked="" type="checkbox"/> Other: Excess Property

Development Type:

<input type="checkbox"/> Residential: Units _____	<input type="checkbox"/> Acres _____	<input type="checkbox"/> Employees _____	<input type="checkbox"/> Transportation: Type _____
<input checked="" type="checkbox"/> Office: Sq.ft. <u>115,746</u>	<input type="checkbox"/> Acres <u>2.46</u>	<input type="checkbox"/> Employees _____	<input type="checkbox"/> Mining: Type _____ Mineral _____
<input type="checkbox"/> Commercial: Sq.ft. _____	<input type="checkbox"/> Acres _____	<input type="checkbox"/> Employees _____	<input type="checkbox"/> Power: Type _____ MW _____
<input type="checkbox"/> Industrial: Sq.ft. _____	<input type="checkbox"/> Acres _____	<input type="checkbox"/> Employees _____	<input type="checkbox"/> Waste Treatment: Type _____ MGD _____
<input type="checkbox"/> Educational: _____			<input type="checkbox"/> Hazardous Waste: Type _____
<input type="checkbox"/> Recreational: _____			<input type="checkbox"/> Other: Disposal of Excess Property _____
<input type="checkbox"/> Water Facilities: Type _____	MGD _____		

Project Issues Discussed in Document:

<input type="checkbox"/> Aesthetic/Visual	<input type="checkbox"/> Fiscal	<input type="checkbox"/> Recreation/Parks	<input type="checkbox"/> Vegetation
<input type="checkbox"/> Agricultural Land	<input type="checkbox"/> Flood Plain/Flooding	<input type="checkbox"/> Schools/Universities	<input type="checkbox"/> Water Quality
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Forest Land/Fire Hazard	<input type="checkbox"/> Septic Systems	<input type="checkbox"/> Water Supply/Groundwater
<input checked="" type="checkbox"/> Archeological/Historical	<input type="checkbox"/> Geologic/Seismic	<input type="checkbox"/> Sewer Capacity	<input type="checkbox"/> Wetland/Riparian
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Minerals	<input type="checkbox"/> Soil Erosion/Compaction/Grading	<input type="checkbox"/> Growth Inducement
<input type="checkbox"/> Coastal Zone	<input type="checkbox"/> Noise	<input type="checkbox"/> Solid Waste	<input type="checkbox"/> Land Use
<input type="checkbox"/> Drainage/Absorption	<input type="checkbox"/> Population/Housing Balance	<input checked="" type="checkbox"/> Toxic/Hazardous	<input type="checkbox"/> Cumulative Effects
<input type="checkbox"/> Economic/Jobs	<input type="checkbox"/> Public Services/Facilities	<input type="checkbox"/> Traffic/Circulation	<input type="checkbox"/> Other:

Present Land Use/Zoning/General Plan Designation:
Residential Single-Family, Residential Multi-Family, Commercial and Hotel. The property location is Core-Zoned.

Project Description: (please use a separate page if necessary)

The Project proposes the disposal of the Complex. The purpose of the Project is to dispose of an excess state-owned property that is not being occupied or utilized. Disposal of the Complex without restrictions/covenants to a public or private entity is the Preferred Alternative. After exhaustive efforts of researching the potential to market the building with protective covenants, and transferring the building to the Department of Parks and Recreation (DPR), Caltrans has determined that selling the building without protective covenants or restrictions is the only viable alternative.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2008

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/>	Air Resources Board	<input type="checkbox"/>	Office of Emergency Services
<input type="checkbox"/>	Boating & Waterways, Department of	<input checked="" type="checkbox"/>	Office of Historic Preservation
<input checked="" type="checkbox"/>	California Highway Patrol	<input type="checkbox"/>	Office of Public School Construction
<input type="checkbox"/>	Caltrans District # _____	<input checked="" type="checkbox"/>	Parks & Recreation, Department of
<input type="checkbox"/>	Caltrans Division of Aeronautics	<input type="checkbox"/>	Pesticide Regulation, Department of
<input type="checkbox"/>	Caltrans Planning	<input type="checkbox"/>	Public Utilities Commission
<input type="checkbox"/>	Central Valley Flood Protection Board	<input type="checkbox"/>	Regional WQCB # <u>9</u>
<input type="checkbox"/>	Coachella Valley Mtns. Conservancy	<input checked="" type="checkbox"/>	Resources Agency
<input type="checkbox"/>	Coastal Commission	<input type="checkbox"/>	S.F. Bay Conservation & Development Comm.
<input type="checkbox"/>	Colorado River Board	<input type="checkbox"/>	San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/>	Conservation, Department of	<input type="checkbox"/>	San Joaquin River Conservancy
<input type="checkbox"/>	Corrections, Department of	<input type="checkbox"/>	Santa Monica Mtns. Conservancy
<input type="checkbox"/>	Delta Protection Commission	<input type="checkbox"/>	State Lands Commission
<input type="checkbox"/>	Education, Department of	<input type="checkbox"/>	SWRCB: Clean Water Grants
<input type="checkbox"/>	Energy Commission	<input type="checkbox"/>	SWRCB: Water Quality
<input type="checkbox"/>	Fish & Game Region # _____	<input type="checkbox"/>	SWRCB: Water Rights
<input type="checkbox"/>	Food & Agriculture, Department of	<input type="checkbox"/>	Tahoe Regional Planning Agency
<input type="checkbox"/>	Forestry and Fire Protection, Department of	<input checked="" type="checkbox"/>	Toxic Substances Control, Department of
<input checked="" type="checkbox"/>	General Services, Department of	<input type="checkbox"/>	Water Resources, Department of
<input type="checkbox"/>	Health Services, Department of	<input type="checkbox"/>	
<input type="checkbox"/>	Housing & Community Development	<input type="checkbox"/>	Other: _____
<input type="checkbox"/>	Integrated Waste Management Board	<input type="checkbox"/>	Other: _____
<input checked="" type="checkbox"/>	Native American Heritage Commission		

Starting Date August 19, 2011 Ending Date October 3, 2011

Consulting Firm: _____	Applicant: California Department of Transportation
Address: _____	Address: 4050 Taylor Street - MS 242
City/State/Zip: _____	City/State/Zip: San Diego/CA/92110
Contact: _____	Phone: (619) 688-0100
Phone: _____	

Signature of Lead Agency Representative: Brent Gust Date: 8/16/11

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Revised 2008

4.1 LIST OF PERSONS, ORGANIZATIONS AND PUBLIC AGENCIES THAT COMMENTED ON THE DRAFT EIR

A Draft EIR for the proposed Project was circulated for public review from August 19, 2011 to October 3, 2011. A total of 89 comment letters were received during the public comment period, along with a petition with 500+ signatures. Agencies, organizations, special interest groups and individuals that submitted comments on the project are listed below and organized by category.

LETTER DESIGNATION	COMMENTOR
State Agencies	
A	San Diego River Conservancy
B	Native American Heritage Commission
C	Department of Toxic Substances Control
D	California State Parks, SD Coast District
Local Agencies	
E	City of San Diego
Elected Officials	
F	Honorable Christine Kehoe, California State Senate
Interested Parties	
G	Clay Phillips (Public Hearing comments submitted via Certified Court Reporter)
H	Patricia Fillet (Public Hearing comments submitted via Certified Court Reporter)
I	San Diego County Archaeological Society, Inc.
J	Mission Hills Heritage (submitted by Debbie Quillin/Barry Hagar and Susan Lehman)
K	Torrey Pines Docent Society
L	Kwaaymii Tribal Government (submitted by Courtney Coyle, Attorney at Law for Camen Lucas)
M	Veijas Tribal Government (submitted by Robert Welch, Kimberly Mettler and Denise Strobbridge-Elwell)
M	Lipay Nation of Santa Ysabel
O	Fiesta De Reyes
P	Robert Wohl
Q	Abel Silvas
R	Julia Simms
S	Susan Brandt-Hawley
T	Jan Rochon
U	Stephanie Jackel
V	Martina Schimitschek
W	Daniel Soderberg
X	Sari Reznick
Y	Melvin and Ellen Sweet
Z	Bjorn Palenius
AA	Dorothy Strout
BB	Stephen Weber
CC	Sondra Kelley
DD	Stephen Gordon
EE	Nancy Brickson
FF	Betty Hauck
GG	Linda Stouffer
HH	Patricia Cologne
II	Kimberly Claffy
JJ	Form Letter #1 Submitted by:
	Old Town San Diego Chamber of Commerce (Grand)
	Bazaar Del Mundo (Powers)
	Centro Cultural de la Raza (Savage)

	Lizeth Duarte
	University of San Diego (McClain)
	Old Town Trolley Tours & Seal Tours of San Diego (Thornton)
	Cold Stone (Ferrell)
	Booster of Old Town State Historic Park (Ferrell)
	University of California, San Diego (Truant)
	San Diego State University (Mallios Ph.D.)
	Five & Dime General Store (Kanbara)
	Robert Barros
	Gloria Sterling Ph.D.
	Corrine McCall
	Ryan Ross
	Jean Ryan
	Robert Watrous
	Barbara Mitchell
	Dora Brandon
	Elizabeth Weems
	Allen Hazard
	James Nelson
	Kathleen Baburabe
	Waskah Whelan
	Jay MacAskill
	Jack and Helen Ofield
	Wade Fosdick
	Alfred Mazur
	Patricia Strehle
	Loretta McNeely
	Debbie Pedersen
	Christa Vragel
	Pauline Nelson
	R.C. Melendez
	Carol Lindemulder
	Robert Brandt
	Cynthia Barron
	Carrie Gregory
	Adriana Tamayo
	Maria Cowan
	Greg Truesdale
	Georgia Callian
	Betty Marshall
	R. Larry Schmitt, M.D.
	Kim and Brian Adler
	Karen Lawrence
	James Stafford
	Linda Canada
	Ann Zahner
	Sandy Burgamy
KK	Form Letter #2 Submitted by:
	Old Town Community Planning Group (Thornton)
	Mt. Tamalpais Interpretive Association (Komer)
	Tienda de Reyes (Feuerstein and Simmons)
	California League of Parks Association (Schoff)

Each of these pieces of correspondence was assigned a letter designation, as noted above. Each comment is designated by both the letter assigned, and the number assigned to the comment (e.g. A-1, A-2) and so on.) Each letter is reprinted herein, along with the written response.

The following pages provide the comment letter on the left side, with each substantive comment bracketed and numbered in the right-hand margin, and correspondingly numbered responses to each comment on the right-hand side. The majority of the comments received were via form letter. Where similar/same comments were received from multiple sources, a single response is provided. Where related comments were contained in the same letter, the reader may be referred to another applicable response.

COMMENTS (Letter A)



September 16, 2011

California Department of Transportation
Division of Environmental Analysis
Attention: Olga Estrada
4050 Taylor Street, MS 242
San Diego, CA 92110

RE: Comments on the Draft Environmental Impact Report for Disposal of the Former California Department of Transportation District Office Complex

Dear Ms. Estrada:

The purpose of this correspondence is to raise statutory issues and questions regarding the Draft Environmental Impact Report prepared for the Disposal of the Former California Department of Transportation District Office Complex in San Diego County, California (PI# 1100000072).

The San Diego River Conservancy (SDRC or Conservancy) is an independent state agency within the Natural Resources Agency. It was established by the San Diego River Conservancy Act (Pub. Resources Code, §§ 32630-32661) in 2002 to restore a riparian corridor along the length of the San Diego River and to build a stream valley park. Interestingly, the findings of the Act expressly reference reestablishing cultural and historic connections between the San Diego River, Old Town San Diego State Historic Park, the Military Presidio, and the Kumeyaay Nation:

(a) The San Diego River is a natural, historic, and recreational resource in the heart of San Diego. From its headwaters near the town of Julian in east San Diego County, it runs 52 miles through Mission Valley and the first settlement in California at Old Town San Diego . . . The river has been subjected to intense development in some parts; it runs through one of San Diego's most populated neighborhoods and is in need of restoration, conservation, and enhancement all along its length. . . . Reestablishing the cultural and historic connections between the San Diego River, Old Town San Diego State Historic Park, the Military Presidio, and the Kumeyaay Nation will provide the public with the opportunity to appreciate the state's historic beginnings.

(b) Given the opportunities available, the state recognizes the importance of holding this land in trust to be preserved and enhanced for the enjoyment of present and future generations.

(Pub. Resources Code, § 32631.)

A-1

RESPONSES (Letter A)

Thank you for your comments and your interest in this project.

A-1 Comment noted.

COMMENTS (Letter A)

California Department of Transportation
Division of Environmental Analysis
Attention: Olga Estrada
Page 2

Buttressing these findings and conclusions, the Act's first statutory purpose for which SDRC was created includes acquisition of land and historic interpretation:

(a) To acquire and manage public lands within the San Diego River area, and to provide recreational opportunities, open space, wildlife habitat and species restoration and protection, wetland protection and restoration, protection of historical and cultural resources, and protection, maintenance and improvements of the quality of the waters in the San Diego River and its watershed, its tributaries . . .

(b) To provide for the public's enjoyment, and to enhance the recreational and educational experience and historic interpretation on public lands in the territory in a manner consistent with the protection of land and natural resources, as well as economic resources, in the area.

(Pub. Resources Code, § 32633.)

As a consequence, Staff was perplexed that Caltrans did not formally notify SDRC of its intent to sell the former California Department of Transportation District Office Complex and provide SDRC with 60 days to decide whether to purchase the property. (Sts. & Hy. Code, § 118.6.) Streets & Highways Code section 118.6 requires Caltrans to offer the property to SDRC. Staff was equally surprised that Caltrans failed to acknowledge SDRC as an interested and potentially responsible agency or to recognize its statutorily mandated first right of refusal:

Notwithstanding any other provision of law, the conservancy has the first right of refusal to acquire any public lands that are suitable for park and open space within the conservancy's jurisdiction when those lands become available. The conservancy may not exercise the power of eminent domain.

(Pub. Resources Code, § 32646.) The Environmental Impact Report must explain how Caltrans has or will comply with these statutory requirements.

Because the Draft Environmental Impact Report states that the proposed action will have cultural resource impacts that "are both significant and unmitigable" and the action will occur within SDRC's statutory jurisdiction (Public Res. Code, § 32632), SDRC seeks an acknowledgement and confirmation of its right to receive formal notification of the disposal of land of notable environmental value and the opportunity as a public agency to consider its purchase. Moreover, SDRC seeks acknowledgement and confirmation of its right to exercise a first right of refusal under Public Resources Code, section 32646.

SDRC has established a remarkable record of achievement with federal, state and local governments, as well as nongovernmental organizations, to establish restoration, recreation and

RESPONSES (Letter A)

A-2 On January 31, 2006, the Caltrans sent a Letter of Offer to Sell the District Office Complex. The letter was sent to 23 state and local agencies, including your parent agency the State Resources Agency. The only agencies that expressed a formal interest were SANDAG and the DPR. It is our position that formal notification to your agency has been fulfilled by this action. The Secretary of Resources Agency is a Governing Board Member of the San Diego River Conservancy (SDRC), and the Secretary (or designee) is present at the SDRC's bimonthly meetings. The next step in the process is to begin marketing the complex for a planned auction sale in early 2012. As preparations for this occurs, Caltrans continues to look for opportunities to dispose of this excess property.

A-3 Comment noted.

A-2

A-3

COMMENTS (Letter A)

California Department of Transportation
Division of Environmental Analysis
Attention: Olga Estrada
Page 3

land conservation projects and programs along the San Diego River. SDRC would appreciate the opportunity to work with Caltrans in this matter. Please forward any response Caltrans may have to me for the Board's consideration at its next scheduled meeting on November 3, 2011.

Sincerely,



Michael Nelson
Executive Officer
San Diego River Conservancy
1350 Front Street, Suite 3024
San Diego, CA 92101

cc: Christine Kehoe, Senator, District 39
Toni Atkins, Assembly Member, District 76
Ben Clay, Chairman, San Diego River Conservancy
Ruth Hayward, Vice Chair, San Diego River Conservancy
Michael Beck, Endangered Habitats League, San Diego River Park Foundation
Rob Hutzel, San Diego River Park Foundation, San Diego River Coalition
Bruce Coons, Executive Director, Save Our Heritage Organisation
Hayley Peterson, Deputy Attorney General

RESPONSES (Letter A)

COMMENTS (Letter B)

STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
 915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 553-6251
 Fax (916) 607-5390
 Web Site www.nahc.ca.gov/
 ds_nahc@pacbell.net

Edmund G. Brown, Jr., Governor



September 20, 2011

Mr. Bruce April, Environmental Planner
California Department of Transportation – District 11
 4050 Taylor Street, MS 242
 San Diego, CA 92110

Re: SCH#2011081001; CEQA Notice of Completion; draft Environmental Impact Report (DEIR), for the "Disposal of the Former California Department of Transportation District Office Complex Project," located in the City of San Diego, San Diego County, California.

Dear Mr. April:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3^d 604). The NAHC wishes to comment on the proposed project.

B-1

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

B-2

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within one-half mile of some of the 'area of potential effect (APE) based on the USGS coordinates provided. Note: the absence of recorded Native American cultural resources does not preclude their existence. This area is known to the NAHC as being very culturally sensitive.

B-3

The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

B-4

RESPONSES (Letter B)

Thank you for your comments and your interest in this project.

B-1 Comment noted.

B-2 Comment noted.

B-3 Thank you for providing information regarding cultural resources, protocol, and procedural practices.

B-4 Comment noted.

COMMENTS (Letter B)

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*, 36 CFR Part 800.3 (f) (2) & 5, the President's Council on Environmental Quality (CEQ, 42 U.S.C. 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(1) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

RESPONSES (Letter B)

B-5 As part of the CEQA process, the NOP was sent to your agency, and your response included a list of tribes that should be contacted. A copy of the Draft EIR was sent to each of the tribes that were listed in your correspondence, and comments were received from two of the tribes. Their correspondence has been included in this Final EIR.

B-6 Comment noted.

B-7 Once the building is transferred out of State ownership, the City of San Diego would assume Lead Agency responsibility under CEQA, with any future development of the site being subject to the City's Land Development Code (LDC) and its implementing regulations and requirements.

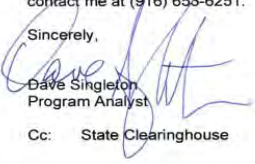
B-8 Comment noted.

COMMENTS (Letter B)

RESPONSES (Letter B)

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

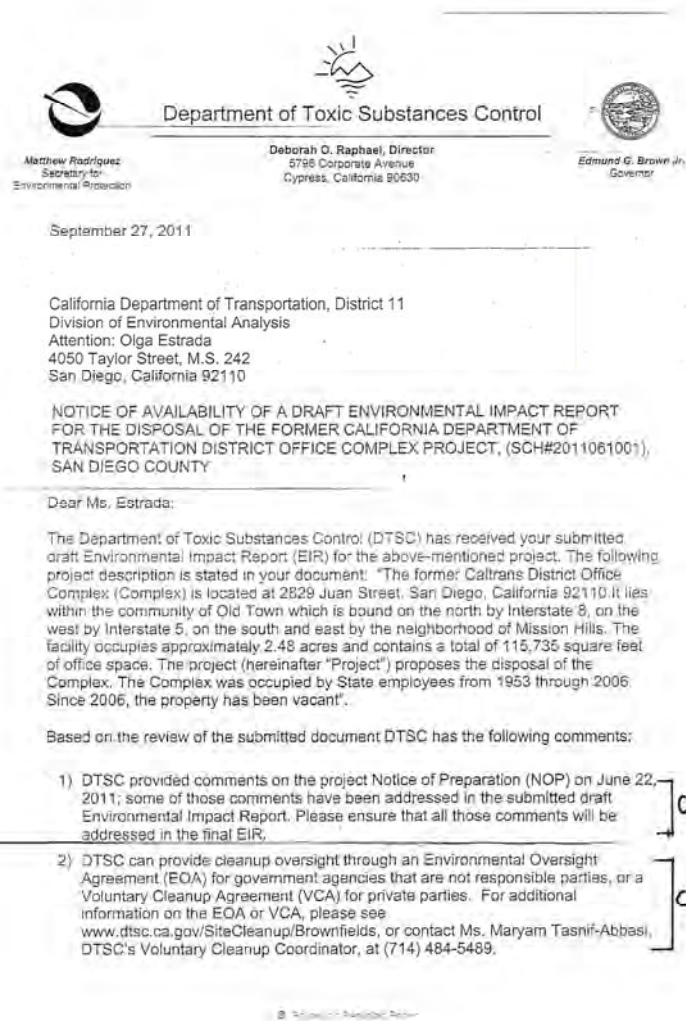
Sincerely,


Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

COMMENTS (Letter C)



RESPONSES (Letter C)

Thank you for your comments and your interest in this project.

C-1 Comments submitted during the NOP process were addressed in the Draft EIR. The project as proposed would not cause a hazardous waste impact.

C-2 Thank you for the information. Once the building is transferred out of State ownership, the City of San Diego would assume Lead Agency responsibility under CEQA, with any future development of the site being subject to the City's LDC and its implementing regulations and requirements.

COMMENTS (Letter C)

RESPONSES (Letter C)

Ms. Olga Estrada
September 27, 2011
Page 2

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

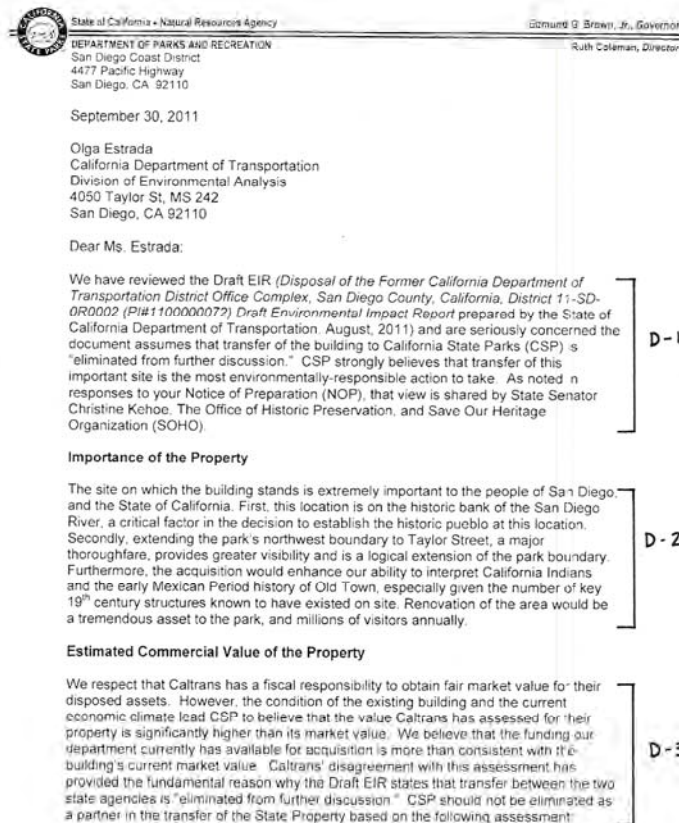
cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3324

COMMENTS (Letter D)

RESPONSES (Letter D)



Thank you for your comments and your interest in this project.

D-1 Caltrans has not eliminated the possibility of transferring the property for use in the Old Town San Diego State Historic Park. As you are aware, Caltrans and DPR worked cooperatively for many years to create a viable solution to transfer the Complex to DPR. DPR was not able to meet the conditions necessary for the purchase of the property. Other solutions were considered but ultimately an agreement could not be reached. We are committed to disposing of this excess property as quickly as possible.

Caltrans continues to look for opportunities to work with DPR to find a reasonable way to transfer the property for use in the Old Town San Diego State Historic Park.

D-2 Comment noted.

D-3 As state above, Caltrans has not eliminated the option of transferring the Complex to the DPR. Page 8 of the Draft EIR states that a workable mitigation program to satisfy the transfer of the Complex from Caltrans to the DPR could not be established, so the process ceased.

COMMENTS (Letter D)

Olga Estrada
September 30, 2011
Page 2

- Over the past 4 years, commercial vacancy rates in San Diego have gone from 8.5% to 14.7%. (The overall vacancy rate among office buildings in this area exceeds 25%.) During that period, the cost of commercial real estate has gone down an average of 10.5%.
 - There are a number of factors that may compromise the viability of commercial redevelopment of this site. One glaring problem is the lack of available parking.
 - The condition of the existing structure is seriously suspect. Caltrans will be selling it "as-is".
- D-4
- Per the Division of the State Architect (1997), total project costs for complete renovation are **\$15,224,000**. Components of renovation to bring the office building up to code are:
 - Mechanical and Plumbing
 - Electrical
 - Telecommunications
 - Asbestos Abatement
 - Fire
 - ADA
 - Seismic upgrades
 - It is unclear whether any of these improvements have been accomplished.
 - If a commercial enterprise were to abandon the existing building, the cost of demolition would still include responsibility for hazardous material management. CSP would expect \$3.7 million in demolition costs. Vacant land nearby is selling for \$15-\$20/sf. Given these circumstances, the true value of the property would be far less than Caltrans' current assessment.
 - A more recent appraisal by an independent source (Colliers International 09/07/2011) states that: "Based on the report prepared by the Department of the State Architect (1997), the rehabilitation of the existing structures is financially unfeasible even if the property were to be given away." Due to the rising costs of demolition, it also states: "Analysis suggests that this property is not financially feasible for redevelopment by a private sector investor."
- D-5
- D-6
- D-7

Adequacy of the EIR

Chapter 3.0, the CEQA Environmental Checklist has some errors in statement:

- Section 3.1a) – 'Aesthetics' questionably declares that commercial sale of the building would have no impact on scenic vista. The property is an integral part of the State Historic Park and the Old Town community, a National Register of Historic Places property. Anything that occurs on this site has a direct visual effect on both.
- D-8

RESPONSES (Letter D)

D-4 Comment noted.

D-5 Caltrans would be selling the Complex "as is", and outside of the routine maintenance that is performed to maintain a vacant facility, no improvements have been made.

D-6 Comment noted.

D-7 To maximize the value of the subject parcel, the State's appraisal includes a complete Highest and Best Use (HABU) analysis as if vacant and as improved considering the legal permissibility, physically possible, financially feasible, and maximally productive use. The HABU is determined to be to demolish existing building improvements to allow for redevelopment (5 year holding period) as a vacant commercial retail site. Therefore, after considering the three methods of valuation (Cost, Sales Comparison, and Income) the preferred method of valuation is the Sales Comparison approach based on vacant land sales comparables. The cost for demolishing the building improvements is considered once the land value is determined. The State's appraisal report dated March 2011 includes land comparables that indicate a land value of \$10,750,000, or \$100/s.f. Deductions for demolition and removal of hazardous material in the amount of \$2,124,000 are included and result in a land value of \$8,625,000. An adjustment for market conditions as of September 2011.

D-8 thru D-13 The project as proposed, disposal of excess property, would not cause impact to any of the environmental resources referenced in your letter. Once the building is transferred out of State ownership, the City of San Diego would assume Lead Agency responsibility under CEQA, with any future development of the site being subject to the City's LDC and its implementing regulations and requirements.

COMMENTS (Letter D)

Olga Estrada
September 30, 2011
Page 3

- Section 3.5b, c, d) - 'Cultural Resources' questionably declares that commercial sale of the building would have no impact on archaeological resources, palaeontological resources or human remains. These statements are inconsistent with the letters of response to the NOP from the City of San Diego, Senator Kehoe, SOHO, and the Native American Heritage Commission. D-9
 - Section 3.6a i, ii, iii) - "Geology and Soils" questionably declares no impact based on exposing people and structures to earthquake, seismic ground shaking, or liquefaction. CSP believes that there is potential for significant impacts given that soil tests taken within the surrounding area have provided evidence of contamination. D-10
 - Section 3.8.1a, b) - 'Hazards and Hazardous Materials' questionably declares no impact from haz/mat based on the commercial sale only of the Caltrans building, but that action could seriously impact general public health once the building was sold. D-11
 - Section 3.8.2 (also Section 3.8.3) - "Groundwater Contamination" identifies a contaminated site west of the complex, but takes no responsibility for determining the northernmost boundary of the contamination, noting instead that there appears to be a westward migration path. One of the test sources occurs on current CSP land. D-12
- In addition, we believe that the Draft EIR neglects to address the proposed action's effects on:
- Ground water
 - City of San Diego zoning regulations for private property in a historic zone
 - The question of undeclared Sacred Lands among the Kumeyaay/Diegueño people D-13
- The document warrants a 'Table of Contents' and lists of prior studies referenced in the text. D-14
- Finally, the Draft EIR should answer Sen. Kehoe's question posed in response to the Notice of Preparation (Kehoe letter 7/1/11): "Please clarify whether the transfer of the property was part of the mitigation for the new Caltrans complex." D-15
- Community and State Partnership**
- Caltrans stated at a Sept 5, 2006 news conference, attended by the Mayor of San Diego, State Senator (delete: Christine, mentioned above) Kehoe, and other elected public officials, that the property was to be transferred to CSP. Pedro Orso-Delgado, District Director of Caltrans District 11, predicted the completion of negotiations in two months. D-16

RESPONSES (Letter D)

D-14 A Table of Contents has been added to this Final EIR.

D-15 Transfer of the Complex to the DPR was not considered mitigation for the new District 11 Office Complex. The Final EIR (2001) for the construction of the New Caltrans District Office Building stated that the former Complex would be subject to the States surplus process for disposal of excess property or it could be disposed of through an action of the State legislature (as described on page 4 of the Draft and Final EIR).

D-16 See response D-3

COMMENTS (Letter D)

RESPONSES (Letter D)

D-17 Comment noted.

Olga Estrada
September 30, 2011
Page 4

While our department supports Caltrans' commitment to be responsible stewards of its assets, we would hope that Caltrans would also recognize this as an opportunity to be effective members of both the local community and the State of California. Commercial enterprises such as office buildings or schools can be built at many locations. This site is the last key acquisition for the most popular unit in the State Park system. From both a local community and statewide perspective, the highest and best use of this property is to honor the historic significance that this site holds for Native Americans, the City of San Diego and for the entire State of California.

D-17

Sincerely,



Clay Phillips, Acting District Superintendent
San Diego Coast District
California State Parks

COMMENTS (Letter E)

RESPONSES (Letter E)

Thank you for your comments and your interest in this project.

E-1 Caltrans has included this information in this Final EIR.

E-2 The Land Use and Permitting information has been added to the Final EIR.



THE CITY OF SAN DIEGO

October 3, 2011

Bruce April, Deputy District Director
Environmental Analysis Section, Branch B
California Department of Transportation, District 11
4050 Taylor Street, MS 242
San Diego, CA 92110

Signed copy Submitted via email to: bruce.april@dot.ca.gov and olga_estrada@dot.ca.gov

Subject: CITY OF SAN DIEGO COMMENTS ON THE DRAFT EIR FOR THE OLD CALTRANS DISTRICT 11
OFFICE COMPLEX (SCH No. 2011061001)

The City of San Diego ("City") acting as a Responsible Agency in accordance with CEQA has received the Notice of Availability (NOA) for the above referenced project and appreciates this opportunity to provide comments to Caltrans as they relate to the future sale of this property. In response to the DEIR NOA, the City is providing general comments related to potential environmental issues associated with future development of this site after sale of this property to a public or private entity. In addition, once the property is transferred from State ownership, the City would then assume Lead Agency responsibility under CEQA and any future development of the site would be subject to the provisions of the City's Land Development Code and its applicable implementing regulations. The following comments have been provided by staff from the Development Services Department ("DSD"):

E-1

LAND USE/PERMITTING

The project site is located within the City's Old Town San Diego Community Planning Area and is subject to review in accordance with the City's Land Development Code (LDC) including the Old San Diego Planned District Ordinance (PDO), the adopted community plan Architectural and Site Development Standards and Criteria, and the Historical Resources Regulation. The pending sale of this property is not subject to City review; however, future development of the site will be subject to the same review as other properties in the Old Town San Diego Community Planning Area including environmental review in accordance with CEQA. This information should be disclosed in the Caltrans DEIR so that the public is fully informed of which agency will have land use authority over the project site.

E-2

DEVELOPMENT SERVICES
1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101-4155
TEL: (619) 448-5460

COMMENTS (Letter E)

RESPONSES (Letter E)

PAGE 2 OF 3
 Bruce April, Deputy District Director
 Caltrans, District 11
 October 3, 2011

CULTURAL RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

The City of San Diego is aware that the Old Caltrans District 11 Office Complex meets the criteria for listing on the California Register of Historical Resources (Criteria C) and meets the criteria for listing on the National Register of Historic Places (Criteria A and C) as noted in the NOP and correspondence from the State Office of Historic Preservation (SHPO). Although the pending sale of this property is not subject to City review, once the property is transferred from State ownership, development of the site by a private or other public entity (without land use authority in the area) will be subject to review under the City's LDC Historical Resources Regulations and in accordance with CEQA Section 15064.5.

The Draft EIR for the sale of this property must also acknowledge the high potential for archaeological resources to be encountered beneath the existing building. As stated previously, although the sale of this property is not subject to discretionary review under the City's LDC, once the property is transferred out of State ownership, if demolition of the existing building and redevelopment of the site is proposed, an archaeological mitigation program will be required in accordance with the Historical Resources Guidelines. The City's Historical Resources Guidelines requires the participation of a Native American monitor during all phases of archaeological investigations. The Historical Resources Guidelines further recommends that any local historical society or descendant group be consulted during the environmental review process, especially where buried archaeological resources could be encountered.

Additionally, the City strongly recommends that Caltrans engage the local descendant community in order to obtain additional ethnographic or historical information about the project site prior to the time when the current building was constructed that can be conveyed to a new property owner.

CULTURAL RESOURCES (PALEONTOLOGICAL RESOURCES)

Although sale of the property would not generally trigger the need to review for potential impacts to fossil resources; it should be noted in the Final DEIR that future development of the site would be subject to review in accordance with CEQA which requires inclusion of measures to avoid or minimize direct impacts to paleontological resources (e.g. monitoring during excavation into fossil bearing formations).

TRANSPORTATION/CIRCULATION

The City of San Diego's CEQA Significance Determination Thresholds (January 2011) should be consulted in order to determine whether future development of the project site would have any significant impacts on the surrounding City roadway facilities. Ann Gonsalves from DSD Transportation Development Section should be contacted at (619) 446-5294 or via email agonsalves@sanidiego.gov to discuss specific questions regarding transportation issues associated with future development of this site.

E-3 The information related to Cultural Resources has been added to the Final EIR.

E-4 The Transportation/Circulation information has been added to the Final EIR.

DEVELOPMENT SERVICES
 1222 FIRST AVENUE, 4TH FLOOR SAN DIEGO, CA 92101-2155
 TEL: (619) 446-5440

COMMENTS (Letter E)

RESPONSES (Letter E)

PAGE 3 OF 3
Bruce April, Deputy District Director
Caltrans, District 11
October 3, 2011

PUBLIC UTILITIES

It should be noted in the Final EIR that all new and/or replacement public water and sewer facilities shall be designed and constructed in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines, Sewer Design Guide and City regulations, standards and practices. Any work within the City's Public Right-of-Way (PROW) will be reviewed for compliance by staff in both the Development Services and the Public Utilities Departments to ensure that systems are designed to meet the satisfaction of the City Engineer. Any questions regarding preparation of construction plans for work within the City's PROW can be addressed by the Engineering Section of the Development Services Department.

E-5

SOLID WASTE

The City of San Diego provides solid waste collection, recycling, and disposal services to residences and small businesses that comply with regulations set forth in the Municipal Code and meet specific eligibility criteria. The City also operates the Miramar landfill, which is scheduled to close in 2022. In order to ensure that the City is able to maintain these essential public services and landfill capacity, projects should consider and plan for the mitigation of its solid waste impacts during all phases, including demolition, construction, and occupancy. The Final EIR should at a minimum include a discussion regarding what affect the sale of this property and any future development of the site could have on the City's Landfill capacity. Please contact Lisa Wood, Senior Planner at (858) 573-1236 or via email at lwood@sanidiego.gov should you have any specific questions regarding the City landfill capacity or compliance with Municipal Code Ordinances governing landfill operations.

E-6

Please contact the appropriate above-named individual(s) if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in the DEIR and provide four copies of the document for distribution to commenting departments/divisions. If you have any additional questions regarding the City's NOP comments, please contact Myra Herrmann, Senior Planner at 619-446-5372 or via email at mherrmann@sanidiego.gov.

Sincerely,
Myra S. Herrmann, for

Cecilia Gallardo, AICP
Assistant Deputy Director
Development Services Department

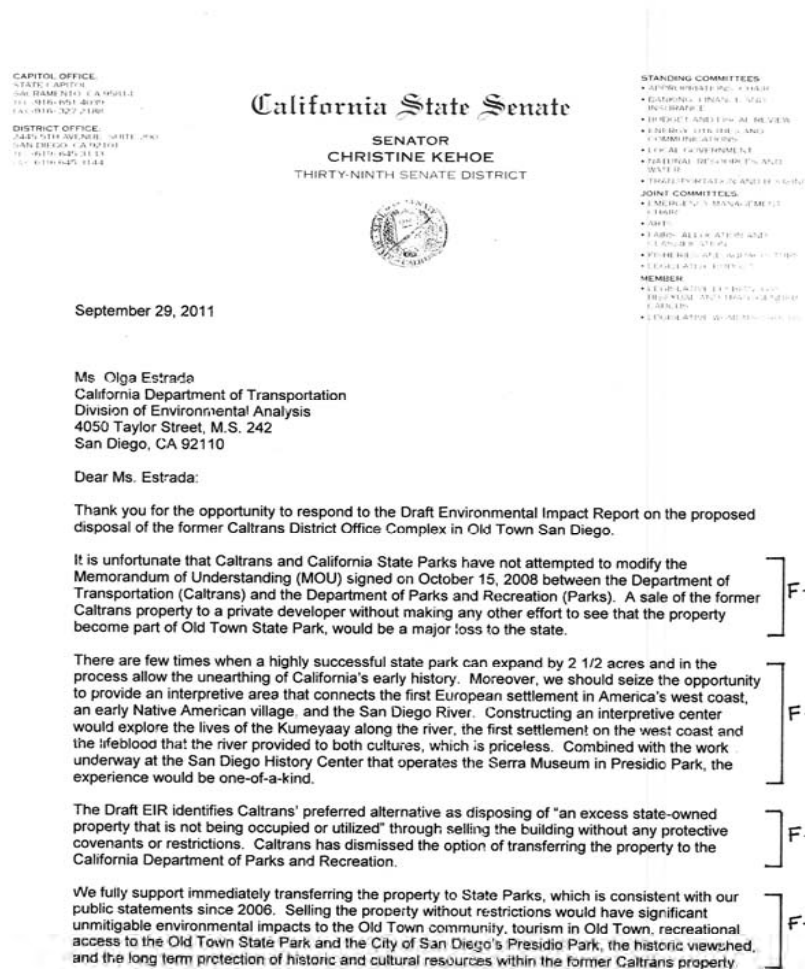
cc: Myra Herrmann, Senior Planner – Environmental Analysis
DSD staff distribution
Environmental file

DEVELOPMENT SERVICES
1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101-4155
TEL (619) 446-5460

E-5 The information related to Public Utilities has been included in the Final EIR.

E-6 The impacts associated with solid waste as it would relate to a future development are unknown, and would be speculative.

COMMENTS (Letter F)



RESPONSES (Letter F)

Thank you for your comments and your interest in this project.

F-1 Caltrans did not dismiss the option of transferring the complex to the DPR. As stated in the DEIR, Section 2.1, discussions regarding the possibility of transferring ownership to the DPR for use in the Old Town San Diego State Historic Park began as early as 1991. Caltrans and DPR worked cooperatively for several years to establish an agreement in which the transfer of the Complex to DPR could occur. Most recently on October 29, 2010, Caltrans and DPR management met to make one last attempt to create a workable solution. A workable solution could not be agreed upon. At that time, Caltrans determined that disposal of the Complex through the Excess/Surplus Property process would be initiated.

Even while Caltrans is preparing the excess land sale auction, Caltrans continues to look for opportunities to work with DPR to find a reasonable way to transfer the property for use in the Old Town San Diego State Historic Park.

F-2 Comment noted.

F-3 See response F-1

F-4 The proposed project would not have significant unmitigable environmental impacts. The intent of the Draft EIR is to transfer property out of State ownership; there will be absolutely no ground disturbance associated with this action. The potential to impact buried cultural resources, should they exist, is therefore non-existent. The proposed project would not cause impact to the Old Town community, tourism, recreational access, the historic viewshed, the long term protection of historic or cultural resources, or to any buried resources that may exist beneath the building.

COMMENTS (Letter F)

The sale of the site will also permanently restrict the ability of the state to benefit from the 2 1/2 acres that could be added to the current State Park that would generate additional revenue to the state through the lease with the concessionaire.

The stated purpose of the 2008 MOU was "to outline the basis for an agreement between Parks and Caltrans for Parks purchase of real property controlled by Caltrans located at 2829 Juan Street, San Diego California, commonly referred to as the Old District 11 Office Building." In 2008, Caltrans had declared the property as surplus to its future needs, pursuant to California Streets and Highways Code sections 118, *et. seq.* Parks had expressed enthusiastic interest in purchasing the property for inclusion in its Old Town State Historic Park.

The public had been told on September 6, 2006, that "Old Town San Diego State Historic Park would acquire the 2-1/2-acre site of Caltrans' former district headquarters, then excavate and reconstruct historic structures buried underneath it, under a plan being worked out between the two state agencies. The rare chance to expand the boundaries of the urban park, which historians regard as one of the most important sites in the development of the West Coast, was hailed by San Diego officials and preservationists." ["Old Town pursuing former Caltrans site," *San Diego Union-Tribune*, September 6, 2006]

On September 5th, 2006, plans were announced for the transfer of the property in a news conference on the site. Joining us were San Diego Mayor Jerry Sanders and City Councilmembers Kevin Faulconer and Donna Frye, Assemblymember Lori Saldana, Caltrans District 11 Director Pedro Orso-Delgado and State Parks District Superintendent Ronie Clark, among others.

Old Town, located on the site of California's first permanent European settlement, was founded in 1769 on a hill overlooking the Old Town State Park and the site of the Native American village of Cosoy [AD 500 to the early 1920s], which preceded the Spanish Presidio. Old Town is often called the West Coast's Plymouth Rock. Old Town State Park is 12.96 acres. The Caltrans site is 2.48 acres.

Old Town San Diego State Historic Park recreates life in the Mexican and early American periods of 1821 to 1872. Five original adobes are part of the complex, which includes shops, restaurants and a museum. La Casa de Estudillo is a mansion built around a garden courtyard. La Casa de Machado y Stewart is full of artifacts that reflect ordinary life of the period. Other historic buildings include a schoolhouse, a blacksmith shop, San Diego's first newspaper office and a stable with a collection of carriages.

The transfer of the property from Caltrans to Parks would allow the creation of a welcoming "front door" for Old Town State Park and allow the direct connection with the San Diego River, whose banks were originally along the site of the former Caltrans building. Expanding the park would allow a representation of what Native American life along the river was like, showing the connections with the life-giving river such as early gardens and landscapes. It would enhance pedestrian access to Old Town State Park and allow for safer pedestrian access to the City of San Diego's Presidio Park.

The following historic buildings and cultural resources could be recovered from beneath the former Caltrans building, where they have been hidden from the public for over 50 years: the Fitch Store (1843); Lyon's Bowling Saloon (1853) – Ab Lyon was the Sheriff in 1858-59; and the Louis Strass store and residence (1850) which may not be intact.

The following historic buildings would be recovered from under a portion of the existing parking lot near the McCoy Visitors Center: the Serrano Adobe, dating from the 1830s; the Osuna House Adobe, 1830; possibly the Aguilar Adobe from 1827; and the Fitch House Adobe and Fitch's first store, dating from the 1830s. The current parking lot is the site of the first store in California, and the

RESPONSES (Letter F)

Any archaeological resources beneath the building, should they exist, were not formally evaluated due to the nature of the project. Evaluation of buried resources would have necessitated the demolition of the Complex. In the transfer of title to a new property owner it will be disclosed that there is the potential for buried or subsurface cultural resources to exist beneath the Complex. Also any future development would be subject to CEQA with the City of San Diego acting as lead agency. Please see the City of San Diego comment letter (October 3, 2011) which explains the steps that would be required should a new owner decide to demolish the existing building.

Available As Built plans for the wing of the building that was completed in 1964 (which includes the construction of a basement floor), illustrates that approximately 220 subsurface piles were driven, ranging in depth from 15 feet to 26 feet. This subsurface activity could have significantly disturbed any potential archaeological resources beneath the building should they exist at these depths.

F-5 Comment noted.

F-6 As stated in the DEIR, Section 2.1 and reiterated in Response to Comments D-1 and F-1, discussions regarding the possibility of transferring ownership to the DPR for use in the Old Town San Diego State Historic Park have occurred for over the past two decades. A Memorandum of Understanding was developed between Caltrans and the DPR in October 2008 to outline the basis of a future agreement for DPR to purchase the Complex from Caltrans. DPR was not able to meet the conditions necessary for the purchase of the property. Other solutions were considered but ultimately an agreement could not be reached.

F-7 Comment noted.

F-8 Comment noted.

F-9 Comment noted.

COMMENTS (Letter F)

Response to Draft EIR
Former Caltrans site
Page 3 of 4

site then moved to the former Caltrans building site. Old Town is one of the state's top cash-generating parks. In 2009 there were more than 5.5 million visitors to the park.

The October 2008 MOU laid out the terms of the Transfer of Jurisdiction for the building: a \$10.7 million sale price as determined by a fair market value appraisal prepared by the Department of General Services in 2007, with an initial cash payment of \$2.5 million. The \$8.2 million balance would be paid within ten years from the effective date of the Transfer of Jurisdiction. The payment of the balance was to be in the form of mitigation credits acceptable to Caltrans, or any other form of consideration agreed to by both Parks and Caltrans. The MOU then stipulated that within six months of the signing of the MOU, Parks and Caltrans would develop a comprehensive mitigation program to satisfy the obligations of the MOU. That six month period dragged on for two more years, with no agreement between Caltrans and Parks.

In November 2010, we were informed by Parks that the Department was not interested in pursuing the mitigation program or final Transfer of Jurisdiction document because the value of the property is no longer \$10.7 million. Parks has \$2.5 million available for a down payment for the property and approximately \$6.7 million to raze the building, remediate the property of hazardous waste and prepare the historic buildings. However, due to budget cuts, Parks cannot guarantee that it would have the balance within ten years to complete the originally agreed upon purchase price. Also, because of budget cuts, Parks no longer has the staff available to locate and acquire the appropriate mitigation properties to meet Caltrans' needs.

In December 2010, Caltrans said that at least one new appraisal was completed. The results of any appraisals has not been given except in general statements that the value of the site is somewhere between \$8 million and \$12 million. That is hard to believe. The building has leaks, known hazardous materials, sits on known archaeological sites and, according to Caltrans, costs the department approximately \$50,000 a year to maintain.

As part of the environmental review for the approval of the "new" Caltrans District 11 headquarters in Old Town, the Old Town community was told that the "old" building would be transferred to Parks to be added to Old Town State Park in partial mitigation for the construction of the new Caltrans complex. Please clarify whether the transfer of the property to Parks was part of the mitigation for the new Caltrans complex.

There are changed circumstances since 2006. The value of the property cannot be the \$13.6 million that it was in 2006, given the glut of empty and underused or undervalued business properties in the San Diego region. The roof leaks and the homeless occupy the site at times, despite security.

California Government Code 14673 states that, "The jurisdiction of real property owned by the state may be transferred from one state agency to another state agency with the written approval of the director. In connection with such a transfer, the director may authorize the payment of the consideration he or she deems proper from available funds of the receiving agency to the transferring agency."

In addition to the \$2.5 million, the Parks Department has set aside approximately \$6.7 million to demolish the building, remediate the contaminated materials including asbestos known to be in the building, and perform initial grading. Local nonprofits including the San Diego River Park Foundation have expressed an interest in helping to develop the site.

Maintaining this special property in public ownership should be a priority for the state. We must not let the opportunity be lost to preserve and protect the historic and cultural treasures buried beneath the former Caltrans site.

RESPONSES (Letter F)

F-10 See response F-6

F-11 See response D-7

F-12 See response D-15

F-13 Comment noted.

F-14 As stated on Page 4 of the EIR, Streets and Code Section 118 permits Caltrans to sell, contract to sell, sell by trust deed, or exchange real properties or interests in properties, in the manner and upon terms, standards, and conditions established by the CTC when Caltrans determines that any real property or interest acquired by Caltrans for transportation purposes is no longer necessary for those purposes. Once these properties have been identified, they can be disposed of through public sale.

F-15 Comment noted.

F-16 Comment noted.

COMMENTS (Letter F)

Response to Draft EIR
Former Caltrans site
Page 4 of 4

Was a first right of refusal and other rights consisting with existing Government Code granted to the San Diego River Conservancy, consistent with the San Diego River Conservancy Act? What is the timeline for the proposed sale? How would such a sale be conducted? Is legislation required to approve any sale that might be proposed?

F-17


Are there any indications that the property may have been the site of burial of Native Americans? There are known historic and culturally significant structures under the building and parking lot, plus the potential for additional historic and cultural resources that were not identified when the building and parking lot were originally constructed over 50 years ago. How will these resources be protected?

F-18

Retaining the property in public ownership and transferring the former Caltrans site to State Parks is the highest and best use of the property. With \$2.5 million in hand for immediate transfer to Caltrans, and \$6.7 million available to tear down the building, remediate hazardous materials and prepare the site for use, we urge Caltrans to select as its Preferred Alternative the immediate transfer of the property to State Parks.

Sincerely,


CHRISTINE KEHOE
Senator, 39th District


TONI ATKINS
Assemblymember, 76th District

RESPONSES (Letter F)

F-17 See response A-2

F-18 See Response F-4

COMMENTS (Letter G)

RESPONSES (Letter G)

Thank you for your comments and your interest in this project.

G-1 See response O-1

1 CALTRANS PUBLIC MEETING, TUESDAY, AUGUST 30, 2011
2 CALTRANS BOARD ROOM
3 4050 TAYLOR STREET, SAN DIEGO, CALIFORNIA 92110
4 5:00 p.m. - 7:00 p.m.
5 * * *

6
7 My name is Clay Phillips. I am the Acting
8 District Superintendent for San Diego Coast District,
9 California State Parks.

10 And I wanted to affirm that California State
11 Parks remains very interested in obtaining this former
12 CALTRANS building as an expansion of Old Town San Diego
13 State Historic Park.

14 We still have the same funding available that
15 we originally offered to CALTRANS and we also have
16 funding too, if purchased.

17 We also have funding to demolish the building,
18 abate the hazardous materials and provide an immediate
19 public use facility.

20 We understand that CALTRANS feels obligated to
21 be good stewards of their financial resources and
22 therefore, they're expecting to still try and sell at
23 their established appraised value.

24 We do question whether that appraised value
25 sufficiently considers the hazardous materials present in

G-1

COMMENTS (Letter G)

RESPONSES (Letter G)

G-2 See responses M-1 thru M-4

1 the building.

2 But regarding good stewardship, we would ask
3 that CALTRANS also see they can be good stewards in the
4 areas -- in areas beyond just financial issues.

5 CALTRANS can be a good steward in this
6 situation as a good steward of the community, and of the
7 cultural resources of the State.

8 This facility could be used for many different
9 things. This site could be used for many different
10 purposes; an office building, a school, a commercial
11 enterprise, but all of those could be done in many
12 different places.

13 This site is the only place where the birth
14 place of California, one of the most significant historic
15 sites in the entire State of California can expand to,
16 and it is also the most populous, most visited unit
17 in the State Park system.

18 There are significant cultural resources that
19 are an integral part of the story of Old Town San Diego. G-2
20 And we would ask that CALTRANS seriously consider
21 embracing this opportunity to join the local community
22 and their sister State agency, as good stewards of Old
23 Town San Diego.

24 That's good; thank you.

25

COMMENTS (Letter H)

RESPONSES (Letter H)

Thank you for your comments and your interest in this project.

1 PATRICIA ANN FILLET:
2
3 My name is Patricia Ann Fillet.
4 I'm a resident here in Old Town. My family has
5 been in Old Town for many, many years. I'm a 5th
6 generation Old Town resident, and I'm very proud to state
7 that.
8 And I support that California State parks
9 should take purchase of the CALTRANS building if it is
10 offered. I understand, based on what Mr. Phillips
11 stated, the cost that they have offered or the amount
12 that they offer, is much lower than what CALTRANS
13 expects; however, based on his explanation to me just
14 five minutes ago, was that, it makes the largest story
15 and significance of Old Town quite important.
16 We are a huge impact to the public, and
17 California State parks has a role in that and they
18 disseminate the information for cultural, historical and
19 archaeological significance to the public, which is a
20 very good thing for the public overall.
21 So whatever I can do as a resident and
22 concerned person of interest, I will do that in any
23 opportunity that I may.
24 I guess that concludes my statement to support
25 California State parks to purchase the CALTRANS building,

3

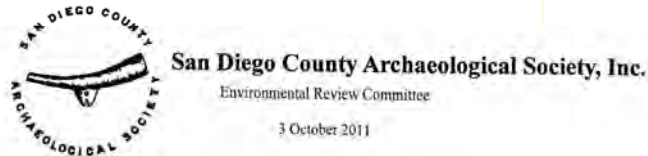
COMMENTS (Letter H)

RESPONSES (Letter H)

1 and as it should stay historically connected to the
2 greater part of Old Town, but also to the greater part of
3 San Diego and also to the greater part of the national
4 significance and international significance of what Old
5 Town means.

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COMMENTS (Letter I)



To: Ms. Olga Estrada
Division of Environmental Analysis
California Department of Transportation
4050 Taylor Street, MS 242
San Diego, California 92110

Subject: Draft Environmental Impact Report
Disposal of the Former California Department of Transportation
District Office Complex

Dear Ms. Estrada:

Despite having been informed of at least four other Caltrans environmental documents in the past year, and having responded to each, Caltrans did not send notification of the subject DEIR to the San Diego County Archaeological Society. Indeed, we only learned of it last week, and only by the coincidence of a conversation on a different topic. Of necessity, then, this letter may be less comprehensive than it might otherwise have been.

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society. Based on the information provided on the Caltrans website, we have the following comments:

1. The DEIR is correctly based on the fact that "disposal of the Complex without protective covenants is an adverse effect" (DEIR, p. 5). Section 3.5.3 of the DEIR states that "it would be very difficult to sell with interior and exterior covenants". It is clear why exterior covenants would be considered, at least for the Taylor Street and possibly Juan Street facades. But it is not clear why interior covenants would be required. Is the DEIR just built on an overly strict premise? I-1
2. The DEIR correctly states, in Section 3.3.3, that the mitigation measures proposed in Section 3.5.4 would not fully mitigate the impacts, and that those impacts would remain significant and unmitigable. The DEIR omits any disclosure of the details of an analysis that would support the necessary overriding findings. Hence, the public has not been presented with an opportunity to evaluate the validity of Caltrans' assumptions. I-2
3. Further, the DEIR omits any details of project alternatives, and includes only vague statements and unsupported opinion rather than substantial, significant data required for public review by CEQA. I-3
4. While not required, it would be helpful if the DEIR disclosed what Caltrans' intent is if no acceptable offers are received, or if offers are less than what State Parks would be able to offer. I-4

P.O. Box 81106 • San Diego, CA 92136-1106 • (658) 538-0935

RESPONSES (Letter I)

Thank you for your comments and your interest in this project.

I-1 The Historical Resources Evaluation Report prepared for the Complex identifies both interior and exterior character defining features that exemplify the "Modernist" office building. The Supplemental Historical Resources Compliance Report prepared for the Complex fully documents Caltrans efforts to determine the feasibility of disposing of the property with protective covenants, as well as proposed measures to mitigate adverse effects.

I-2 The NOP and Draft EIR are the mechanism whereby the public is provided the opportunity to review the project information and provide comments. Per the CEQA process, any overriding considerations would be presented during the Final environmental document process.

I-3 The Draft EIR included three alternatives: 1) Disposal of the Complex without covenants or restrictions to a public or private entity; 2) Transferring the Complex to the DPR; and 3) the No option alternative. After exhaustive efforts of researching the potential to market the building with protective covenants, and transferring the building to the DPR, Caltrans determined that selling the building without protective covenants or restrictions is the only viable alternative.

CEQA requires that an EIR describe a reasonable range of alternatives, and these alternatives need not be analyzed to the same level. As stated on Page 4 of the Draft EIR, "excess land disposal activities are considered projects under CEQA, but are categorically exempt. The exception to the exemption is where the project may cause a substantial adverse change to the significance of a historical resource, such as the proposed project."


I-4 If no acceptable offers are received, Caltrans would continue to own and maintain a vacant facility.

COMMENTS (Letter I)

Based on comments 2 and 3, above, it appears to us that the DEIR is incomplete and does not provide adequate information for the public or for the appropriate decision-makers.

Please include SDCAS in the distribution of future documents related to this property.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

RESPONSES (Letter I)

COMMENTS (Letter J)

RESPONSES (Letter J)

Thank you for your comments and your interest in this project.

J-1 See responses D-1 and F-1

J-2 Comment noted.



325 West Washington St., Suite 2, #221
San Diego, CA 92103
619-497-1193
www.MissionHillsHeritage.org

--A community organization dedicated to preserving the character, charm and historical resources of the Mission Hills neighborhood.

October 3, 2011

California Department of Transportation
Attn: Olga Estrada, Div. of Environmental Analysis
4050 Taylor Street, MS 242
San Diego, CA 92210

Re: Proposed Sale of Former District 11 Caltrans Office Complex

Dear Ms. Estrada:

We are distressed to learn that Caltrans is considering breaking its promise made five years ago to transfer the Former District 11 offices to the California Department of Parks and Recreation (DPR). We are strongly opposed to this property being sold or transferred to anyone but DPR.

In 2006, Caltrans made a promise to the public that it would transfer this property to DPR in order to win public support to build its current District 11 headquarters on Taylor Street in Old Town. To back down from that promise at this time is a violation of public trust.


J-1


As you are well aware, the site on which the building stands is extremely important to the history of San Diego and the State of California. It is on the banks of the historic riverbed of the San Diego River and the location of numerous important historic buildings which should be excavated and interpreted. The site is also one of the main entrances to the Old Town State Park and renovation of the area would be of tremendous importance to the park and the millions that visit it annually.

J-2

Caltrans should honor its commitment to the people of San Diego and the State of California and transfer this property to the DPR, rather than selling to a private party.

Sincerely,


Debbie Quillin
President


Barry Hager
Board Chairman

Cc: Laurie Berman, District 11 Director, California Department of Transportation
Ruth Coleman, Director, California Department of Parks and Recreation
Senator Christine Kehoe, California State Senate

COMMENTS (Letter K)

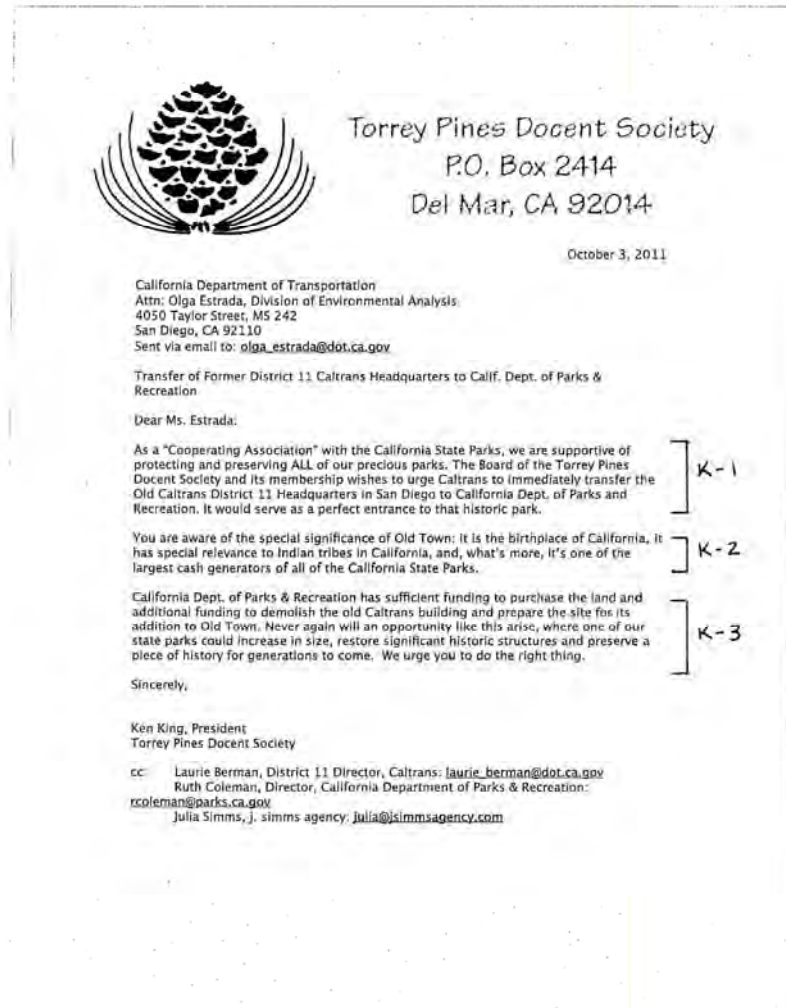
RESPONSES (Letter K)

Thank you for your comments and your interest in this project.

K-1 See responses D-1 and F-1

K-2 Comment noted.

K-3 Comment noted.



COMMENTS (Letter L)

COURTNEY ANN COYLE
ATTORNEY AT LAW

HELD-PALMER HOUSE
1009 SOLEDAD AVENUE
LA JOLLA, CA USA 92037-3617

TELEPHONE: 858-454-8687 FAX: 858-454-8693
E-MAIL: COURT@COYLE.ADL.COM

Caltrans, Div. of Environmental Analysis
Att.: Olga Estrada
4050 Taylor Street, MS 242
San Diego, CA 92110
Olga_Estrada@dot.ca.gov

By Return Receipt Email
September 30, 2011

Re: Disposal of the Former California Department of Transportation District Office Complex DEIR
(PI # 1100000072)(August 2011)

Dear Ms. Estrada:

This letter is being timely submitted on behalf of our client, Carmen Lucas, a Kwaaymli Indian from the Laguna Mountains, east of the project area. It is Ms. Lucas' belief that the Draft FIR for the proposed Disposal of the Caltrans Building on Juan Street in Old Town is inadequate under CEQA. Moreover, she believes there are strong policy reasons for the property to remain in public ownership and not be sold to a private or other developer for commercial or other development.

First, the DEIR does not adequately discuss the potential direct, indirect and cumulative impacts of private development adjacent to Old Town San Diego State Historic Park, a National Register listed property. What additional stresses to State Park's management would there be if private development occurred adjacent to the Park, at this key location, including nighttime light trespass, visual intrusions, unauthorized access, disturbance of the larger cultural deposit, etc.? Based on her many years of experience as a tribal cultural resource monitor for State Parks' projects in the San Diego region, Ms. Lucas feels these impacts could be significant. Moreover, given the property's location, Park management would be simplified if the property were transferred to State Parks and would be further supported by the area being managed as a one unit.

Second, it is Ms. Lucas' opinion that the canine forensic dogs from the Institute for Canine Forensics, should be brought down to help determine the presence of ancestral human remains prior to Caltrans even considering disposition of the property outside state ownership and that such exams should take place in the presence of a qualified Native American Monitor. This is particularly important given the references to the potential discovery of ancestral human remains during previous construction at the

L-1

L-2

RESPONSES (Letter L)

Thank you for your comments and your interest in this project.

L-1 See response D-8

L-2 We agree that the use of forensic dogs has value, but Caltrans is not proposing any ground disturbing activities and therefore declines their use. Evaluation of buried resources would have necessitated the demolition of the Complex. In the transfer of title to a new property owner it will be disclosed that there is the potential for buried or subsurface cultural resources to exist beneath the Complex. Also any future development would be subject to CEQA with the City of San Diego acting as lead agency. Please see the City of San Diego comment letter which explains the steps that would be required should a new owner decide to demolish the existing building.

COMMENTS (Letter L)


site, as noted in the historic reports for this property. Moreover, should any work happen on the property that could unearth ancestral human remains, such as demolition, reconstruction or rebuilding, the forensics dogs and qualified Native monitors should again be employed. This is due to the rich tribal history of the area - including proximity to the Presidio and Mission Valley sites.

Third, the DEIR does not indicate that any tribal consultation occurred during scoping, preparation or drafting of the DEIR. It is Ms. Lucas' opinion that government-to-government consultation between Governor Brown and affiliated tribal governments should occur without delay to discuss the proposed disposition and alternatives to it that could better protect the sensitive tribal cultural resources likely present, and that Caltrans initiate discussions with tribal consultants with specific knowledge of the area, such as Abel Silvas and Clint Linton.

Finally, Ms. Lucas strongly believes that a state agency-to-state agency transfer of this public property is within the public's and taxpayer's best interests. She also feels that the State and State Parks are obligated to keep our history intact. She asks that the State not throw away our collective history, or else we will be leaving nothing for our children and grandchildren.

Please provide us with responses to our comments and copies of any further environmental documentation that may be prepared, to the address above. Should you have any questions about these comments, please contact me directly at 858.454.8687.

Very truly yours,


Courtney Ann Coyle
Attorney at Law

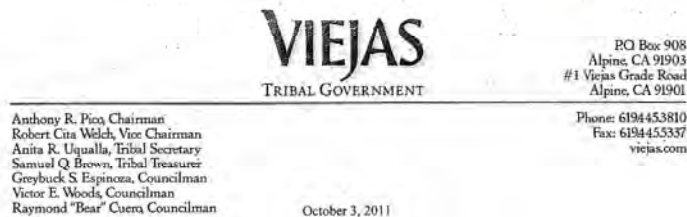
Copy:

Hon. Governor Jerry Brown
Resources Secretary John Laird
Hon. Senator Christine Kehoe
Hon. Assemblymember Toni Atkins
DPR Director Ruth Coleman
Park Superintendent William F. Mennell
Dave Singelton, NAHC
Abel Silvas
Clint Linton
Interested parties

RESPONSES (Letter L)

L-3 Native American consultation was not conducted because it was determined that no prehistoric cultural resources would be impacted by the transfer of ownership of the Complex. We respectfully decline your request for government to government consultation given that the action has zero potential to impact buried cultural resources.

COMMENTS (Letter M)



Caltrans, Div. of Environmental Analysis
Attn.: Olga Estrada
4050 Taylor Street, MS 242
San Diego, CA 92110
Olga_Estrada@dot.ca.gov

Re: Disposal of the Former California Department of Transportation District Office Complex DEIR
(PI # 1100000072)(August 2011)

Dear Ms. Estrada:

This letter is being timely submitted on behalf of the Viejas Band of Kumeyaay Indians ("Viejas" or "Tribe"). It is Viejas' belief that the Draft EIR ("DEIR") for the proposed Disposal of the Caltrans Building on Juan Street in Old Town is inadequate under CEQA because of its failure to consider the project's potential adverse impacts to tribal cultural resources and ancestral human remains. While the DEIR and its supporting Technical Reports¹ provide rather extensive study and consideration of the historic built environment, they completely fail to even consider, let alone analyze and mitigate, potential impacts to other kinds of historic resources under CEQA.² It defies logic that above and below ground historic resources are treated differently in the DEIR.

M-1

In spite of this admitted failure to consider tribal cultural resources, the Draft EIR concludes, without substantiation, that the project would NOT cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5 and would NOT disturb any human remains, including those interred outside of formal cemeteries. The DEIR offers no support for these conclusions in spite of information to the contrary in: 1) the DEIR itself which states that "there was

M-2

¹ Three Cultural Resources Technical Reports were referenced in the DEIR, but not circulated with it, even though they, with a few exceptions in the 1993 report, do not appear to contain information protected from public disclosure.

² The Technical Reports underscore that no evaluation of archaeological resources was performed. The Historical Resources Evaluation Report (January 2011) states that, "Although discussed in this study, this report does not formally assess buried or subsurface archaeological resources associated with Old Town San Diego located within the parcel . . ." (pages 3, 40). The Supplemental Historical Resources Compliance Report (April 2011), states that, "The archaeological resources were not formally evaluated . . ." (page 6).

RESPONSES (Letter M)

Thank you for your comments and your interest in this project.

M-1 Although briefly discussed in the Draft EIR (because they will not be impacted by the proposed project), Caltrans is aware that there is the potential for buried resources (associated with Old Town San Diego as well as prehistoric archaeological resources) to exist beneath the existing Complex. The intent of the Draft EIR is to transfer property out of State ownership; there will be absolutely no ground disturbance associated with this action. The potential to impact buried cultural resources, should they exist, is therefore non-existent. The proposed project would not cause impact to any buried cultural resources that may exist beneath the building.

M-2 Any archaeological resources beneath the building, should they exist, were not formally evaluated due to the nature of the project. Evaluation of buried resources would have required the demolition of the Complex. In the transfer of title to a new property owner it will be disclosed that there is the potential for buried or subsurface cultural resources to exist beneath the Complex. Also any future development would be subject to CEQA with the City of San Diego acting as lead agency. Please see the City of San Diego comment letter which explains the steps that would be required should a new owner decide to demolish the existing building.

COMMENTS (Letter M)

Caltrans, Div. of Environmental Analysis
Attn.: Olga Estrada
October 3, 2011
Page two

strong potential for buried prehistoric and historic archaeological deposits to exist underneath the Complex" (DEIR, page 15); 2) the supporting Technical Reports stating that the parcel contains significant archaeological resources;³ 3) the property's proximity to the cemetery at the Presidio, the Village of Cosoy and the historic banks of the San Diego River; and 4) the NAHC letter which stated, "there are Native American cultural resources are [sic] in close proximity." (DEIR, page 36).

Given that the Complex was built out in three phases (1951, 1958 and 1964), each predating CEQA, NEPA and the NHPA, it is unlikely there are the kind of technical reports for the construction period to which we are now accustomed. However, the EIR does not appear to have even considered the following additional sources of information about tribal cultural materials that may have been encountered during initial or subsequent construction activity at the property: Caltrans' construction records or other agency archives, the archives of the *San Diego Sun*, *Evening Tribune*, and *San Diego Union* or other local newspapers, records at the Museum of Man, Malcolm Rogers' notes or other such records.⁴ The DEIR's conclusions of insignificance regarding tribal cultural resources and ancestral burials is unsupported.

Moreover, in transferring the property and the state-owned historical resources from public to private lands, it could be argued that the property would be provided *less protection* from future disturbance as the provisions of Public Resources Code section 5097.9 would no longer apply. Further, Viejas is aware that demolition permits have been issued in error by the City of San Diego in the recent past, which have adversely impacted archaeological deposits. Any reuse or demolition of this "mothballed" building will potentially cause ground disturbance and have the potential for impacts to subsurface historic resources.

³ The Technical Reports confirm that, "The earliest occupation occurred during the prehistoric area as evidenced by archaeological site W-291, recorded as a "vener deposit" located within and adjacent to the Complex boundaries." Supplemental Historical Resources Compliance Report (April 2011)(page 1); "[A]vailable information about this block suggest a wide variety of potentially significant archaeological remains may be encountered." Historical Resources Evaluation Report (January 2011)(page 7); "... a number of potentially significant archaeological deposits and features have been discovered as a result of test excavations, and similar finds will likely be encountered throughout the higher ground of this part of the study area." Historic Architectural Survey Report and Historic Study Report for the Caltrans District 11 Office Complex (November 1993)(page ii and Figure 4 of (containing a depiction of the locations of known archaeological resources including the project site which are likely to contain intact and potentially significant archaeological remains).

⁴ In fact, two of the Technical Reports states that a local informant told an archaeologist that a human burial was encountered during construction of the Caltrans buildings. While this apparently was not confirmed in interviews with two Caltrans informants, it is not clear that any effort was made to review documentary or other resources. Historical Resources Evaluation Report (January 2011)(page 6); Historic Architectural Survey Report and Historic Study Report for the Caltrans District 11 Office Complex (November 1993)(page 12). There is also local oral history from June Redding to a State Parks' employee, conveyed around 1971, regarding multiple oasas with cremations found during the Caltrans building excavations. However, none of the information about potential burials was disclosed in the DEIR itself, the only document readily available to the public. Viejas is also concerned about the location of any human remains and grave goods that may have been previously unearthed at this property.

M-3

M-4

RESPONSES (Letter M)

M-3 Determinations as to the significance of any buried cultural resources were not made given that the transfer of property would not cause an impact to any cultural buried cultural resources, should they exist. Should any new owner of the Complex decide to demolish the building, they would be subject to CEQA and determinations of the significance would be made by the City of San Diego during the new owner's project development process.

M-4 The City as lead agency would assume responsibility under CEQA and any future development of the site would be subject to the provisions of the city's Land Development Code and its applicable implementing regulations. If demolition of the existing building and redevelopment of the site is proposed, and archaeological mitigation program would be required in accordance with the City's Historical Resources Guidelines. Please see the City of San Diego comment letter which explains the steps that would be required should a new owner decide to demolish the existing building.

Available As Built plans for the wing of the building that was completed in 1964 (which includes the construction of a basement floor), illustrates that approximately 220 subsurface piles were driven, ranging in depth from 15 feet to 26 feet. This subsurface activity could have significantly disturbed any potential archaeological resources beneath the building should they exist at these depths.

Please be aware that Caltrans does not consider prehistoric resources "second class" resources. As stated above, we are aware that there is the potential to encounter buried prehistoric and historic cultural resources should the building be demolished by a new owner. However, Caltrans is not proposing to demolish the existing building and we therefore concluded that the current action will not impact any important buried resources, should they exist.

COMMENTS (Letter M)

RESPONSES (Letter M)

Caltrans, Div. of Environmental Analysis
Attn.: Olga Estrada
October 3, 2011
Page three

Yet these impacts were not disclosed in the DEIR or evaluated in the Technical Reports. Consideration of these underground historic resources must not be treated differently than built historic resources or deferred to some future time as part of a speculative archaeological mitigation program. They are not second class resources.

Another aspect of tribal cultural resources that the DEIR and its technical appendices overlook is the property's potential eligibility for the California and National Registers. Viejas notes that the current structure was considered for eligibility by Caltrans in 2011 under Criterion A (association with a pivotal period in development of the state's transportation system) and Criterion C (example of mid-twentieth century government/corporate "Modernist" architecture) and subsequently determined eligible by the SHPO for the National Register under Criterion C (architecture). However, the DEIR does not explain why a similar review was not conducted for prehistoric and tribal cultural resources under Criteria A, B, C and D. The communications attached to the DEIR from the SHPO do not indicate any discussion or consideration of prehistoric resources. Historic resources under CEQA are more than buildings and structures. Therefore, a review of prehistoric resources is required at this time under CEQA, including document review and tribal consultation, as described elsewhere in this letter.

Given these concerns, and the location of the property immediately adjacent to the Park Unit, which itself was listed on the National Register in 1971, and its "Core Zone", Viejas respectfully requests that the environmental document be withdrawn, the proposed sale be cancelled, and that state agency-to-state agency transfer negotiations be restarted.⁵ A solution can, and should, be found so that significant and important aspects of our tribal and collective history are protected, maintained and properly represented within our State Parks system.

In any case, any and all of these tribal concerns must be disclosed as part of the proposed disposal's CEQA documents and to any potential owner.⁶ The archaeological deposit and tribal cultural values of the site make it distinguishable from other Caltrans' district properties that had potentially eligible structures but were nonetheless transferred out of state ownership.

⁵ No analysis of transferring the property to State Parks was contained in the DEIR, instead it was summarily dismissed from further discussion. (DEIR, page 8).

⁶ The Supplemental Historical Resources Compliance Report (April 2011), states that, "a condition will be included in the transfer of title to the new property owner that prior to any ground disturbing work . . . , the new owner will retain a qualified archaeologist to ensure that any proposed project in the future will not impact these archaeological resources, subsurface or otherwise." (page 6). Why is this statement not disclosed within the DEIR itself? Moreover, this condition is vague, potentially unenforceable and fails to address tribal cultural resource values.

M-5

M-6

M-7

M-5 An archival review was conducted of the subject parcel to identify previously recorded cultural resources. We concur that there may be buried resources beneath the building. As noted above, any archaeological resources beneath the building, should they exist, were not formally evaluated due to the nature of the project. Evaluation would have required the demolition of the building.

M-6 Comment noted.

M-7 As previously discussed, in the transfer of ownership to the new property owner, it will be disclosed that there is the potential for buried or subsurface cultural resources to exist beneath the Complex and any future development would be subject to CEQA with the City of San Diego acting as the lead agency.

COMMENTS (Letter M)

Caltrans, Div. of Environmental Analysis
Attn.: Olga Estrada
October 3, 2011
Page four

Finally, there is no evidence in the DEIR or the Technical Reports that Caltrans engaged in meaningful outreach to, or consultation with, tribal governments and the tribal descendant community regarding its project. Viejas thereby requests that government-to-government consultations between the Governor's Office and Kumeyaay Bands, including Viejas, occur on these issues without delay so that any decision on the future of this property can be fully informed under both a CEQA and public policy basis.

M-8

Please provide us with responses to our comments and copies of any further environmental documentation that may be prepared, to the address above. Should you have any questions about these comments, please contact Kimberly R. Mettler, Director of the Viejas Office of Legal Affairs, at 619-659-1710.

Sincerely,

THE VIEJAS BAND OF KUMEYAAY INDIANS


Hon. Robert "Chita" Welch
Vice Chairman

Copy:

Hon. Governor Jerry Brown
Hon. Kumeyaay Tribal Leaders
Resources Secretary John Laird
Hon. Senator Christine Kehoe
Hon. Assemblymember Toni Atkins
DPR Director Ruth Coleman
Park Superintendent William F. Mennell
Dave Singleton, Native American Heritage Commission
Frank Brown, Chair, InterTribal Cultural Resource Protection Council
Courtney Ann Coyle, Attorney at Law
Interested parties

4

RESPONSES (Letter M)

M-8 Native American consultation was not conducted because it was determined that no prehistoric cultural resources would be impacted by the transfer of ownership of the Complex. We respectfully decline your request for government to government consultation given that the action has zero potential to impact buried cultural resources.

COMMENTS (Letter N)

Re: Disposal of the Former California Department of Transportation District Office Complex, Draft EIR

Attn: Olga Estrada
Caltrans Div. of Env. Analysis

To Whom It May Concern,

I am writing on behalf of the Iipay Nation of Santa Ysabel to state our evaluation of the above referenced EIR. Our comments and recommendations are as follows:

The CEQA Environmental Checklist section 3.5 has improperly checked boxes b) and c) for "No Impact." Item:

b) Cause a substantial adverse change in the significance of an Archaeological resource?

"Potentially significant Impact" should be checked. A sale to transfer into private party ownership would allow substantial adverse change due to potential for remodel/ demolition through the unknown intentions of a private owner. A change in ownership could be one that increases the use of the facility, necessitating faster replacement of underground utilities that will disturb the Archaeological/Historic site that is Old Town. The Old Town site is a large multicomponent complex that spans from 10,000 years of prehistory to modern structures that are significant for their unique architecture. The Old Town area is a sacred site and is in the process of being filed with the Native American Heritage Commission.

d) Disturb any human remains, including those interred outside of formal cemeteries?

"Potentially significant Impact" should be checked. The site in which this structure stands is a known Kumeyaay burial ground. The human remains, both previously disturbed and undisturbed, are protected under the CA Public Health and Safety Code. It is interesting that Caltrans is pretending that multiple burials were not discovered during previous construction activities for said structure. Given the presence of human remains on property a full disclosure of this should be made within the EIR and to ANY entity wishing to make purchase. The only conscientious decision is to sell or donate this structure to a suitable agency such as another State managed agency. One that has preservation within their mission statement such as CA Department of Parks and Recreation would be best.

Thank you,

Clint Linton, Director of Cultural Resources
Iipay Nation of Santa Ysabel

(760) 803-5694

N-1

N-2

RESPONSES (Letter N)

Thank you for your comments and your interest in this project.

N-1 Although briefly discussed in the Draft EIR (because they will not be impacted by the proposed project), Caltrans is aware that there is the potential for buried resources (associated with Old Town San Diego as well as prehistoric archaeological resources) to exist beneath the existing Complex. The intent of the Draft EIR is to transfer property out of State ownership; there will be absolutely no ground disturbance associated with this action. The potential to impact buried cultural resources, should they exist, is therefore non-existent. The proposed project would not cause impact to any buried cultural resources that may exist beneath the building.

Any archaeological resources beneath the building, should they exist, were not formally evaluated due to the nature of the project. Evaluation of buried resources would have required the demolition of the Complex. In the transfer of title to a new property owner it will be disclosed that there is the potential for buried or subsurface cultural resources to exist beneath the Complex. Also any future development would be subject to CEQA with the City of San Diego acting as lead agency. Please see the City of San Diego comment letter which explains the steps that would be required should a new owner decide to demolish the existing building.

N-2 Determinations as to the significance of any buried cultural resources were not made given that the transfer of property would not cause an impact to any cultural buried cultural resources, should they exist. Should any new owner of the Complex decide to demolish the building, they would be subject to CEQA and determinations of the significance would be made by the City of San Diego during the new owner's project development process.

The City as lead agency would assume responsibility under CEQA and any future development of the site would be subject to the provisions of the city's Land Development Code and its applicable implementing regulations. If demolition of the existing building and redevelopment of the site is proposed, and archaeological mitigation program would be required in accordance with the City's Historical Resources Guidelines.

COMMENTS (Letter N)

RESPONSES (Letter N)

Please see the City of San Diego comment letter which explains the steps that would be required should a new owner decide to demolish the existing building.

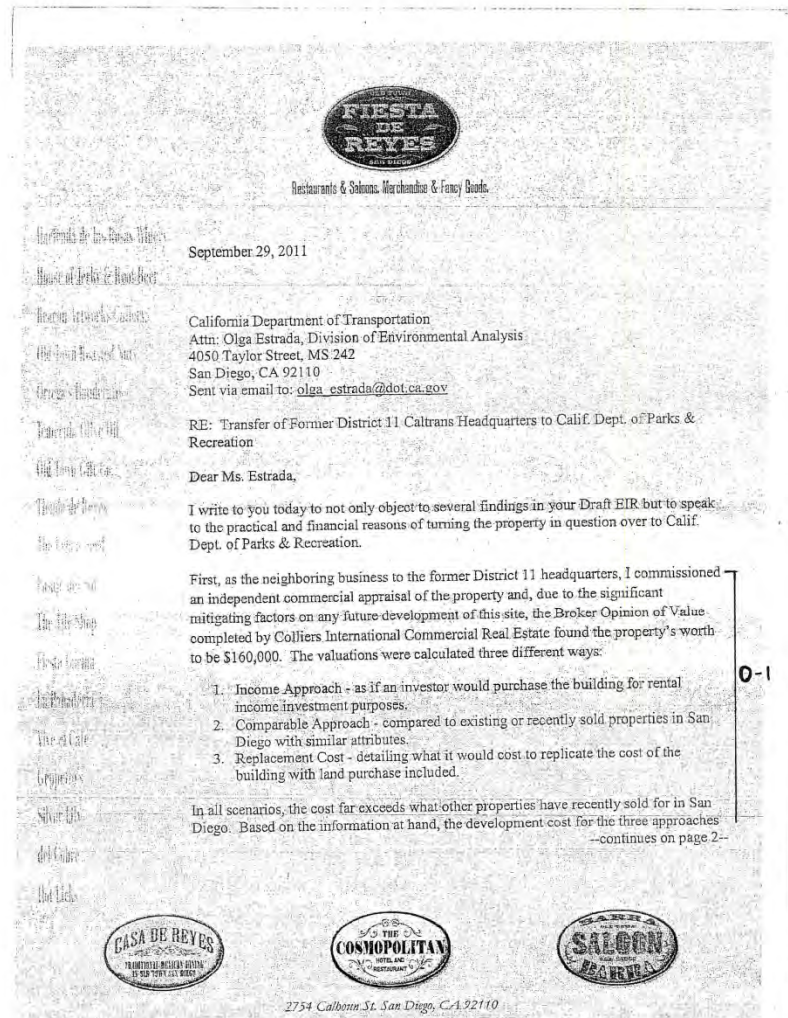
Available As Built plans for the wing of the building that was completed in 1964 (which includes the construction of a basement floor), illustrates that approximately 220 subsurface piles were driven, ranging in depth from 15 feet to 26 feet. This subsurface activity could have significantly disturbed any potential archaeological resources beneath the building should they exist at these depths.

Please be aware that Caltrans does not consider prehistoric resources “second class” resources. As stated above, we are aware that there is the potential to encounter buried prehistoric and historic cultural resources should the building be demolished by a new owner. However, Caltrans is not proposing to demolish the existing building and we therefore concluded that the current action will not impact any important buried resources, should they exist.

An archival review was conducted of the subject parcel to identify previously recorded cultural resources. We concur that there may be buried resources beneath the building. As noted above, any archaeological resources beneath the building, should they exist, were not formally evaluated due to the nature of the project. Evaluation would have required the demolition of the building.

Native American consultation was not conducted because it was determined that no prehistoric cultural resources would be impacted by the transfer of ownership of the Complex. We respectfully decline your request for government to government consultation given that the action has zero potential to impact buried cultural resources.

COMMENTS (Letter O)



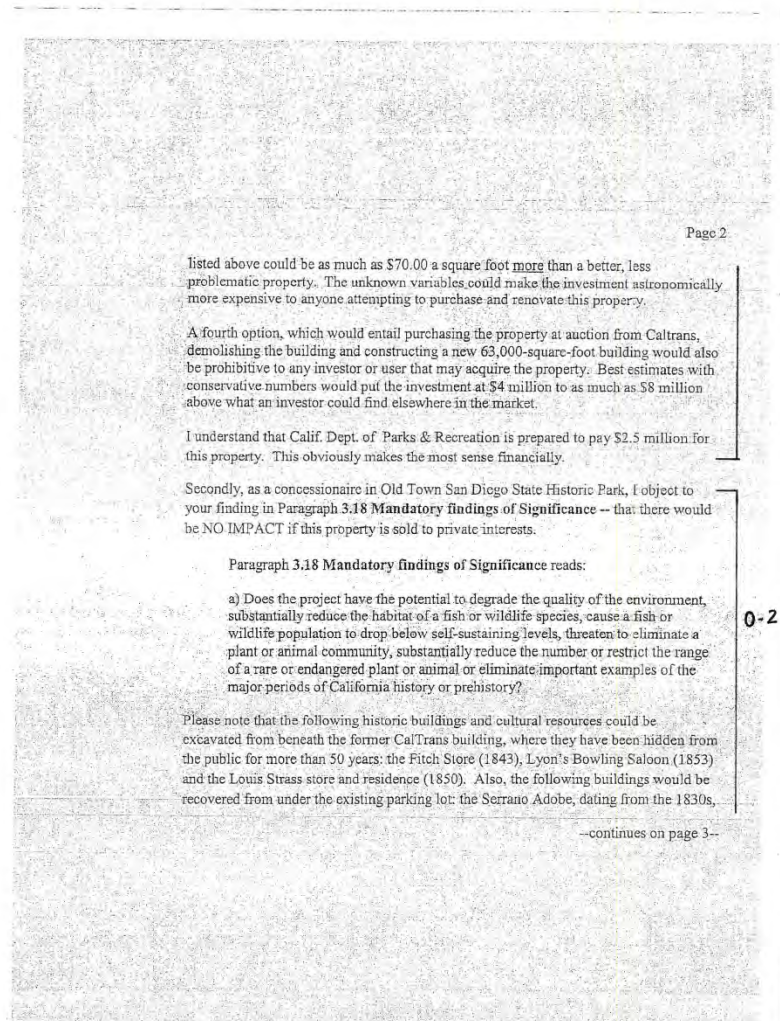
RESPONSES (Letter O)

Thank you for your comments and your interest in this project.

O-1 A complete and thorough HABU (Highest and Best Use) analysis is critical to maximize the value of the subject parcel and determine the most appropriate method of valuation and for the selection of the types of comparables for the Sales Comparison approach. The State's appraisal report must comply with USPAP (Uniform Standards of Professional Appraisal Practice) and follows the Appraisal Institute's recommended appraisal valuation process. The Broker's Opinion of Value (BOV) is not an appraisal. In providing opinions of value, brokers are not held to the same professional standard as appraisers.

To maximize the value of the subject parcel, the State's appraisal includes a complete Highest and Best Use (HABU) analysis as if vacant and as improved considering the legal permissibility, physically possible, financially feasible, and maximally productive use. The HABU is determined to be to demolish existing building improvements to allow for redevelopment (5 year holding period) as a vacant commercial retail site. Therefore, after considering the three methods of valuation (Cost, Sales Comparison, and Income) the preferred method of valuation is the Sales Comparison approach based on vacant land sales comparables. The cost for demolishing the building improvements is considered once the land value is determined. The State's appraisal report dated March 2011 includes land comparables that indicate a land value of \$10,750,000, or \$100/s.f. Deductions for demolition and removal of hazardous material in the amount of \$2,124,000 are included and result in a land value of \$8,625,000. An adjustment for market conditions as of September 2011

COMMENTS (Letter O)



RESPONSES (Letter O)

indicated commercial properties have continued to decline an additional 10%, therefore, the concluded value is \$7,551,000.

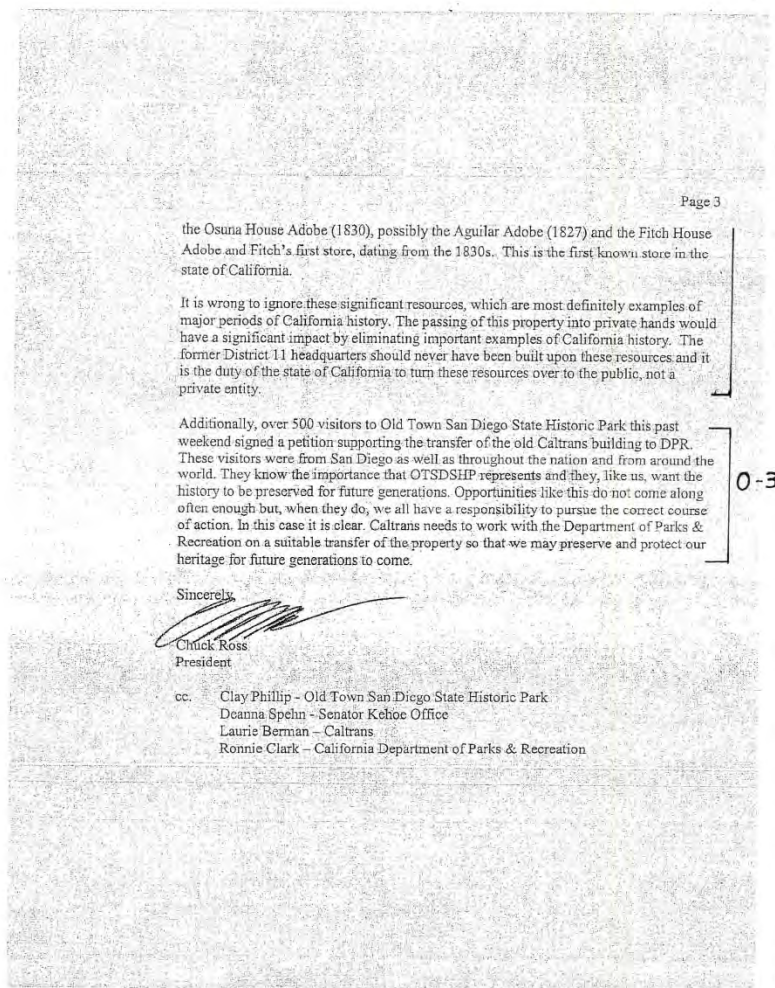
The Broker's Opinion of Value (BOV) does not include a complete HABU analysis instead it assumes there is a viable operating commercial office building. The BOV values the subject property under each method of valuation. In both the Sales Comparison and Income approach to value, the subject parcel is valued with the hypothetical viable operating commercial office building in place and the cost of renovation for the existing building and the required parking is discounted resulting in a negative value for the subject parcel. Obviously, the cost of renovation and parking is not a financially feasible option. If the BOV assumes a hypothetical new building, it would not require renovation and the cost to renovate the existing building should not be applied; and if the BOV assumes renovation of the existing building will take place, the analysis clearly shows this is not a financially feasible option. The BOV's analysis supports the conclusion that the HABU for the subject parcel is to demolish and redevelop the vacant land as a commercial retail site.

O-2 See response D-8

COMMENTS (Letter O)

RESPONSES (Letter O)

O-3 Seen responses D-1 and F-1



COMMENTS (Letter P)

Robert S. Wohl
809 Kalpati Circle #322
Carlsbad, Ca. 92008
760-729-1127
robertwohl@att.net

September 26, 2011

California Department of Transportation
Division of Environmental Analysis
Attention: Olga Estrada
4050 Taylor Street, MS 242
San Diego, CA 92110

RE: Former Caltrans District 11 Headquarters

Dear Ms. Estrada,

I urge Caltrans to implement transfer of your old District 11 headquarters to the California State Parks. As the former Historic Sector State Park Superintendent of Old Town San Diego State Historic Park (2000-2005), I worked alongside your executives and representatives to facilitate the transference of the Headquarters building from Caltrans to California State Parks. We came close to a resolution of the transfer in several negotiations with your staff, involving state park mitigation potentialities to benefit Caltrans' future projects, before I retired from state service.

I attended many meetings of Old Town community groups, where Caltrans representatives expressly told State Parks and Old Town's stakeholders that "if State Parks is willing to support our new Headquarters' construction in Old Town, then we at Caltrans are willing to support State Parks receiving the old Caltrans headquarters, at minimal to no cost."

P-1

RESPONSES (Letter P)

Thank you for your comments and your interest in this project.

P-1 See responses D-1 and D-3

COMMENTS (Letter P)

RESPONSES (Letter P)

So many of California's historic sites are situated under the present old Caltrans structure. Many are from the original 1830's Mexican era, such as the Serrano Adobe, the Aguilar Adobe, and the Osuna Adobe. Other historic structures from the Transitional American Period (1840s) also were located where the old Caltrans building presently stands. State Parks has planned to reconstruct the Fitch Store, Lyon's Bowling Saloon, and the Louis Strauss Store and Residence.

P-2

California State Parks has planned for the McCoy House Interpretive Center, located next to the old Caltrans Headquarters, to be the main visitor gateway into Old Town San Diego State Historic Park, with the adjacent Caltrans site as the vehicle entrance. The loss of this surplus site to non-state park or private use would seriously constrict the state park General Plan for Old Town San Diego SHP, and diminish the historic effect of this one-of-a-kind early location.

P-3

I urge you to fulfill your previously avowed commitment to your sister state agency, and to activate your original and consistent promise, to the Old Town San Diego community and all of the people of San Diego, to turn this property over to California State Parks.

Yours truly,



Robert S. Wohl

Cc: Laurie Berman, District 11 Director, CA Dept. of Transportation
Ruth Coleman, Director, CA State Parks

P-2 See responses M-1 thru M-8

P-3 Comment noted.

COMMENTS (Letter Q)

From: "runninggrunion@juno.com" [runninggrunion@juno.com]
Sent: 10/03/2011 08:21 PM GMT
To: Olga Estrada
Subject: Omissions in Draft EIR for District 11 Caltrans Headquarters

September 29, 2011

California Department of Transportation
Attn: Olga Estrada, Division of Environmental Analysis
4050 Taylor Street, MS 242
San Diego, CA 92110
Sent via email to: olga_estrada@dot.ca.gov

RE: Omissions in Draft EIR for District 11 Caltrans Headquarters

Dear Ms. Estrada,

I wish to address several flaws and omissions in your Draft EIR. First, the only historical resource you found to be on your property is your 50-year-old building. **You failed to investigate the immense resources found elsewhere on the property.** You must realize that your property includes the banks of the San Diego River, the site of an ancient Kosai (Cosoy) Village, and the very beginning of the City of San Diego.

You must also be aware that El Pueblo San Diego (Old Town San Diego) is the oldest European site in the West Coast of the United States. The first European settlement was on this site before the Spaniards established the San Diego Royal Presidio, on a hill just above your property, and when the Mexicans decided to move down the hill to farm, they settled on the very land under your former headquarters, which became the Gateway into Old Town.

Of course, it is a shame your headquarters was ever built on this rich resource but the time has come for it to be torn down so that all Californians can be witness to the original settlement of Alta California in its entirety.

I am an eighth generation European San Diegan and a direct descendant from Old Town's Kumeyaay Native Americans. My family lived in the adobes underneath your property and had their pear gardens – from the 1810s. And before that, I am sure, my direct blooded ancestral grandmothers from the Ruiz, Carrillo, Osuna, Alvarado, Aguilar, Serrano, and Silvas family lived with their Native American family along the San Diego River. I sit on the Tribal Council of the Juaneño Band of Mission Indians and serve as their Native American Monitor under the NAGPRA law. I am also a member of the San Diego Presidio Park Council, Vice Chair for the City's Historical Resources Board, Board member and former Chair of the City's HRB Archeology Sub Committee, and the Old Town San Diego State Historic State Park- Interpretive Advisory Committee. **Why were Native Americans and the California Descendants not consulted as to the resources of your site prior to the issuance of the Draft EIR?**

I am sure you are aware that there is a known burial ground under your former headquarters and several within a one-mile radius from this site. A graveyard within a mile of a property usually results in a red flag going up and requires investigation by descendants before the drafting of an EIR, also SB-18 should be considered. Some city governments will reduce this radius to 1/4 mile, but clearly the Royal Presidio's Campos Santos burial grounds, Old Town's Campo Santos graveyard, and numerous other confidential ancient burials, are less than 1/8 of a mile of your property.

This process cannot be averted.

Sincerely,

Abel Silvas
2144 Balboa Ave. #5
San Diego, CA. 92109
(658) 761-4369

RESPONSES (Letter Q)

Thank you for your comments and your interest in this project.

Q-1 See responses M-1 and M-2

Q-2 Comment noted.

Q-3 See response L-3

Q-4 See responses M-3 thru M-5

COMMENTS (Letter R)

Julia Simms <julia@simmsagency.com>
10/03/2011 11:51 AM
To "olga_estrada@dot.ca.gov"
<olga_estrada@dot.ca.gov>
cc
Subject Omissions in Draft EIR for District 11 Caltrans Headquarters

September 30, 2011

California Department of Transportation
Attn: Olga Estrada, Division of Environmental Analysis
4050 Taylor Street, MS 242
San Diego, CA 92110
Sent via email to: olga_estrada@dot.ca.gov

Dear Ms. Estrada,

I wish to address possible errors in your Draft EIR. The DEIR mentions that there was a "strong potential for buried prehistoric and historic archaeological deposits to exist underneath the Complex," however, in paragraph 3.5, Cultural Resources, you indicate "No Impact" to the following questions.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15004.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

The passing of this property into private hands would most definitely have an impact in the areas mentioned above. The former District 11 headquarters should never have been built upon these resources and it is the duty of the state of California to turn these resources over to the public, not a private entity.

Also in paragraph 3.16 Mandatory findings of Significance, you also indicate "No Impact" in section a, which includes:

a) Does the project have the potential to ...eliminate important examples of the major periods of California history or prehistory?

I am a fourth-generation San Diegan, a volunteer with Old Town San Diego State Historic Park, and I assert that the passing of this land into private hands would allow the passing of the buried cultural and historic resources under your property to be lost forever. How can a state agency turn over to a private business the remains of an ancient native California village, the first store ever constructed in the state and several original homes built in the Pueblo of San Diego?

Californians deserve better. This is their birthplace after all.

Sincerely,
Julia Simms

Julia A. Simms, APR
President
j. simms agency
858-248-2819

RESPONSES (Letter R)

Thank you for your comments and your interest in this project.

R-1 See responses M-1 and M-2

R-2 See response D-8

R-1

R-2

COMMENTS (Letter S)

Brandt-Hawley Law Group
Chauvet House • PO Box 1659
Glen Ellen, California 95442
707.938.3900 • fax 707.938.3200
preservationlawyers.com

October 3, 2011

Olga Estrada
California Department of Transportation
via email Olga_Estrada@dot.ca.gov

Subject: Comments on Draft EIR, Disposal of the Former Caltrans
District Office Complex in San Diego

Dear Ms. Estrada:

I am writing to supplement the comments submitted by Save Our Heritage Organisation (SOHO) regarding the Department's proposed sale of the San Diego District Office Complex aka the "Old Caltrans Building." By way of introduction, my law practice focuses on CEQA and in particular its application to historic resources. One of the first CEQA cases I handled was *The Bridge Club v. Caltrans* in Sonoma County in 1988. As you may know, the court granted a peremptory writ saving the Guerneville Bridge from demolition, and the Department eventually built a companion bridge and then restored the old bridge to the delight of the community.

The obvious, significant deficiency with the current Draft EIR is its failure to identify or analyze *any* project alternatives.

EIRs must explore ways for a project to meet as many project objectives as possible while protecting the environment to the greatest extent feasible. "Pursuant to CEQA's 'substantive mandate,' an agency may not approve a proposed project if feasible alternatives exist that would substantially lessen its significant environmental effects." (*California Native Plant Society v. City of Santa Cruz (CNPS)* (2009) 177 Cal.App.4th 957, 996.) EIRs must evaluate project alternatives that accomplish basic project objectives. (Guideline § 15126.6 (a).) Alternatives must be considered "even if they impede to some degree the attainment of the project objectives, or would be more costly." (*Id.* at (b).)

RESPONSES (Letter S)

Thank you for your comments and your interest in this project.

CEQA requires that an EIR describe a reasonable range of alternatives, and these alternatives need not be analyzed to the same level. The three alternatives in the Draft EIR are the Disposal of the Complex without covenants or restrictions to a public or private entity; Transferring the Complex to the DPR; and the No option alternative.

Disposal of the Complex without covenants or restrictions: SOHO directed Caltrans to develop a plan to determine the reasonableness of attempting to sell the Complex with restrictive covenants for its rehabilitation and adaptive reuse. Professionals in the preservation field were contacted on the prudence and feasibility of marketing the Complex with covenants. Based on the location of the Complex; the incongruence it represents as a modernist 1950's structure within a Core Zone on replicating the distinctive character of the Old Town San Diego historic area that existed prior to 1871; and Caltrans difficulty in getting an "assignee" that would ensure that the Complex was preserved and maintained in accordance with the Secretary's of the Interior's standards, and other limitations, it was concluded that it is not economically prudent or feasible to sell it with restrictions or covenants.

Transferring the Complex to the DPR; Discussions regarding the possibility of transferring ownership to the California Department of Parks and Recreation (DPR) for use in the Old Town San Diego State Historic Park began as early as 1991. Between 2006 and 2011, Caltrans worked with DPR to transfer the complex to DPR.

In October 2008, a Memorandum of Understanding (MOU) was developed between Caltrans and the DPR to outline the basis of a future agreement to purchase the Complex. The agreed upon sale price for the property was \$10.7 million which was determined as the fair market value by an appraisal prepared by the Department of General Services in October 2007. DPR would initially pay Caltrans the sum of \$2.5 million, and the balance of \$8.2 million would be paid within 10 years from the date of the Transfer of Jurisdiction (TOJ). The TOJ would be the formal agreement between the two agencies that would outline the comprehensive mitigation program.

COMMENTS (Letter S)

SOHO EIR Comment Letter
October 3, 2011
Page 2 of 3

The courts and the Guidelines require that EIRs analyze a "range of reasonable alternatives" sufficient "to permit a reasoned choice" of alternatives "that would avoid or substantially lessen" any of the project's environmental impacts. (Guideline § 15126.6 (c), (f).) The California Supreme Court considered whether a water supply EIR had analyzed a reasonable range of project alternatives in *In re Bay-Delta* (2008) 43 Cal.4th 1143, and found that an EIR's review of ten alternatives, reduced from 100 initially considered, was adequate. (*Id.* at 1159.) The Court noted that

[u]nder CEQA, the range of alternatives that an EIR must study in detail is defined in relation to the adverse environmental impacts of the proposed project. An EIR must include a description of feasible project alternatives that would substantially lessen the project's significant environmental effects. (Citation.)

(*Id.* at 1167; Pub. Resources Code § 21002; Guideline § 15126.6 (a).) *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1350, explains that

CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its facts, which in turn must be reviewed in light of the statutory purpose ... [A]n EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, ... which: (1) offer substantial environmental advantages over the project proposal (Pub. Resources Code, § 21002); and (2) may be 'feasibly accomplished in a successful manner' considering the economic, environmental, social and technological factors involved.

Here, the EIR admits that Caltrans' proposed sale of its San Diego District Office in Old Town would have significant impacts. Alternatives are therefore of critical importance. Yet at section 2, the EIR pronounces that Caltrans has already "determined that selling the building without protective covenants or restrictions is the only viable alternative," and pronounces the proposed project to be the environmentally preferred alternative. Such a conclusion is unlawfully premature.

To comply with CEQA and to protect the state's resources, the EIR must be amended and recirculated for public and agency comment, because an EIR must include a reasonable range of project alternatives. (Guideline § 15126.6.) An agency cannot pre-"determine" that there are no feasible alternatives to reduce significant

RESPONSES (Letter S)

During meetings with DPR, it became apparent that DPR was not able to meet the MOU's conditions necessary for its purchase of the property. In lieu of DPR making a direct cash payment to Caltrans for the balance, both parties investigated the viability of DPR establishing a Special Fund to be used solely for activities directly related to mitigation credits. Under this alternative scenario, DPR would have located and purchased parcels adjacent to DPR facilities and these parcels would have been used to satisfy future Caltrans mitigation requirements for transportation projects.. This transaction could not be completed because DPR staff could not provide suitable parcels that met the requirements of Caltrans to qualify as mitigation sites. Other options were explored to utilize DPR staff for managing Caltrans mitigation sites. This was not feasible as it would require DPR to hire additional staff which they were not able to accomplish.

On October 29, 2010, a combined DPR and Caltrans management team met to review the findings and make one last attempt to create a workable mitigation program. A workable mitigation program could not be established, so Caltrans notified DPR that efforts to create a mitigation program to satisfy transfer of the Complex would cease. The MOU has since expired by its own terms.

No option alternative: Taking no action would result in the State continuing to spend money to maintain an unoccupied and unutilized excess property. It has been vacant since 2006, and the total cost associated with maintaining the facility has been in excess of \$150,000, not including utilities or unexpected maintenance requirements. The sale of the property will save the state money that is being spent to maintain the vacant facility, and to generate revenue.

Caltrans is required to dispose of excess property at fair market value even from other state agencies for property purchased with State Highway Account monies.

COMMENTS (Letter S)

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October 3, 2011
Page 3 of 3

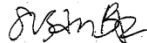
environmental impacts. It must conduct environmental review and analyze comments. It must then select a project alternative other than the proposed project itself, as the environmentally preferred alternative. Announcing that the proposed project is the only feasible alternative equates to pre-commitment to the project without the benefit of environmental review, soundly rejected by the Supreme Court in *Save Tara v. City of West Hollywood* (2008) 45 Cal.App.4th 116.

Among the alternatives that SOHO requests that the EIR address are potentially feasible ways to transfer the property to California State Parks.

Please amend and recirculate the EIR following analysis of a reasonable range of project alternatives that would avoid the private, unmitigated sale of the property as currently proposed. If not, please explain why Caltrans contends that it need not comply with this fundamental mandate of CEQA.

Thank you.

Sincerely,



Susan Brandt-Hawley

RESPONSES (Letter S)

As stated above, discussions regarding the possibility of transferring ownership to the DPR for use in the Old Town San Diego State Historic Park have occurred for over the past two decades.

A complete and thorough HABU (Highest and Best Use) analysis was performed on the Complex, and is critical to maximize the value of the subject parcel and determine the most appropriate method of valuation and for the selection of the types of comparables for the Sales Comparison approach. The State's appraisal report must comply with USPAP (Uniform Standards of Professional Appraisal Practice) and follows the Appraisal Institute's recommended appraisal valuation process. The Broker's Opinion of Value (BOV) is not an appraisal. In providing opinions of value, brokers are not held to the same professional standard as appraisers. A broker's license is not the equivalent of a licensed appraiser. We respectfully decline to adopt the opinion of the unlicensed broker in light of the appraisal prepared by a licensed appraiser who also holds the "Member Appraisal Institute" professional designation and whose appraisal conforms to the require Uniform Standards of Professional Appraisal Practice.

It has been stated that "the DPR has \$2.5 million available for a down payment for the property", however, this is far less than the fair market value of the building and therefore is economically infeasible as an alternative.

COMMENTS (Letter T)

From: Jan Rochon [jimrochon@webtv.net]
Sent: 09/29/2011 01:41 AM GMT
To: Olga Estrada
Subject: Caltrans property

I am opposed to the sale of the property to a private party;;;the original agreement should be honored.
Jan Rochon

"LIFE IS A GIFT;UNWRAP IT GENTLY

RESPONSES (Letter T)

Thank you for your comments and your interest in this project.

See responses D-1 and F-1

COMMENTS (Letter U)

RESPONSES (Letter U)

Thank you for your comments and your interest in this project.

U-1 See responses D-1 and F-1

From: Stephanie Jackel
To: oia_estrada@dol.ca.gov
Subject: old Caltrans building
Date: 09/28/2011 02:28 PM

Dear Ms. Estrada --

I urge you to do everything in your power to require Caltrans to keep its promise to transfer ownership of its unused former headquarters building/property to the CA Dept. of Parks & Recreation. I understand that the California DPR has \$2.5 million budgeted for the acquisition of this property through secured funds, and additional funds necessary to demolish and remediate the environmental hazards on the property.

Thus, there is no reason for Caltrans to have to sell this property "to the highest bidder."

This would be a betrayal of the promise given by Caltrans and -- even more -- a betrayal of our state's early history and its legacy for future generations.

Please do not allow Caltrans to go back on its word and destroy this irreparable historic site.

Stephanie Jackel

Vista, CA

U-1

COMMENTS (Letter V)

Martina Schimitschek <martina.s@cox.net>
09/28/2011 12:52 PM
To: olga_estrada@dot.ca.gov
Cc: laurie_berman@dot.ca.gov, rcoleman@parks.ca.gov,
senator.kehoe@sen.ca.gov

Subject: former Caltrans building in Old Town

Dear Olga Estrada,

I am writing today to voice my opposition to the public sale of the former Caltrans District Office in Old Town.

The land should be transferred to the California Department of Parks and Recreation per the original agreement with Caltrans.

This land is an important part of California – and San Diego – history. To have it auctioned for commercial use, would be to go back on a promise made to the Old Town community.

Too much of our history has already been lost to commercial projects. This is a chance to do something right. This property's cultural significance surely outweighs the profit to be made by an auction.

Sincerely,

Martina Schimitschek

RESPONSES (Letter V)

Thank you for your comments and your interest in this project.

V-1 See responses D-1 and F-1

V-1

COMMENTS (Letter W)

RESPONSES (Letter W)

Thank you for your comments and your interest in this project.

See responses D-1 and F-1

Daniel Soderberg <danielsoderberg@cox.net>
09/28/2011 12:17 PM

To: olga_estrada@dot.ca.gov
Cc:
Subject: Caltrans Site/Old Town State Historic Park

Olga Estrada, Caltrans Division of Environmental Analysis
Dear Ms Estrada,

We at the Neighborhood Historic Preservation Coalition believe a deal is a deal. Instead of selling the property once occupied by Caltrans in Old Town San Diego to California Parks and Recreation as promised, we are told Caltrans will instead sell the property to the highest bidder in January 2012. That is a slap in the face to community members and groups that worked so hard to make that agreement happen.

W-1

Rather than doing a cut and run, we call upon Caltrans to continue working with the community to facilitate transferring this important site to be a part of Old Town State Historic Park. Caltrans should keep its promise and recognize their obligation to the public good. To protect this rare historic and cultural resource. To do the right thing by helping leave an important lasting legacy for present and future San Diegans and Californians.

Sincerely,

Dan Soderberg, Chair NHPC
September 28, 2011

The Neighborhood Historic Preservation Coalition is Golden Hill Community Development Corporation, University Heights Community Development Corp., Hillcrest History Guild, La Jolla Historical Society, Save Our Heritage Organisation (SOHO), Albatross Neighborhood Association, Between Heights Neighborhood Association, Burlingame Homeowners Association, Heart of Kensington, La Playa Heritage, Mission Hills Heritage, Normalites for Normal Heights, North Park Historical Society, University Heights Historical Society, Ocean Beach Historical Society, Rancho Santa Fe Historical Society.

COMMENTS (Letter X)

From: Sari Reznick
To: olga_estrada@dot.ca.gov
Cc: laurie; rcoleman@parks.ca.gov; senator.kehoe@sen.ca.gov
Subject: Sale of former Caltrans property in Old Town, San Diego
Date: 09/29/2011 08:33 AM

Dear Olga Estrada,

I have already written an e-mail to Senator Kehoe regarding the potential sale of this site, but I also wanted to write to you. From my understanding of an e-mail I received from SOHO, this property, which sits atop unearthed remains of culturally significant sites, is now going to be auctioned off to the highest bidder, instead of transferred to the State Parks system, as previously promised.

I would like to register my unequivocal opposition to this plan to auction off the property. Please take this plan off the table, and return to the original plan to transfer the property, as originally promised. The Caltrans building site is too important to be lost again. San Diegans and tourists alike flock to Old Town, one of the most visited Parks in the system. What a shame to again lose a part of Old Town to another building, when our patrimony is at stake.

Thank you for your attention to this important issue.

Sincerely,

Sari Reznick
850 State St. #112
San Diego, CA 92101

RESPONSES (Letter X)

Thank you for your comments and your interest in this project.

X-1 See responses D-1 and F-1

X-1

COMMENTS (Letter Y)

RESPONSES (Letter Y)

Thank you for your comments and your interest in this project.

Y-1 See responses D-1 and F-1

Y-2 See responses M-1 and M-2

From: Ellen Sweet
To: olga_estrada@dot.ca.gov
Cc: senator.kehoe@sen.ca.gov; rcoleman@parks.ca.gov; laurie_berman@dot.ca.gov
Subject: Sale of former Caltrans District 11 Office Complex
Date: 09/28/2011 04:17 PM

September 28, 2011

California Department of Transportation
Division of Environmental Analysis
Attn: Olga Estrada
4050 Taylor Street
San Diego, CA 92110

RE: Sale of Former Caltrans District 11 Office Complex

Dear Ms. Olga Estrada:

In September 2006 we attended a press conference held in Old Town San Diego regarding the pending agreement between Caltrans and California State Parks for the sale of the former Caltrans office complex to State Parks. We listened while District 11 Director Pedro Orso-Delgado pledged to make the sale of that land possible to State Parks for the greater benefit of the community. Mayor Saunders and Senator Kehoe endorsed the idea. Ronilee Clark, superintendent of the San Diego Coast District of California State Parks, represented Old Town's interests as did members of the community. We are outraged that the community was lied to by Director Orso-Delgado. It is a travesty to back out of that promise to the citizens and business community of Old Town and the City of San Diego in order to sell that land to a private party.

Y-1

The addition of that land to Old Town San Diego State Historic Park should be a no-brainer. The Caltrans complex sits atop the site of former adobes that were part of the earliest Spanish town of San Diego. This land was near the San Diego Riverbed and home to the nearby Native American Village of Cosoy. This land would provide a proper and natural entrance to Old Town San Diego SHP. This site would allow DPR to interpret the river area, the lifeblood of the community. This site would provide a safer entrance to the park and easier access to nearby Presidio Park. This site includes cultural, historical, environmental, and archaeological treasures which will be lost forever.

Y-2

Please STOP the public sale of this property. Please act responsibly and honor your promises and commitments to the San Diego community.

Sincerely,

Melvin M. and Ellen L. Sweet
1567 Vista Claridad
La Jolla, CA 92037

cc: Laurie Berman, District 11 Director, California Department of Transportation
Ruth Coleman, Director, California Department of Parks and Recreation
Sen. Christine Kehoe, California State Senate

COMMENTS (Letter Z)

Bjorn Palenius <palen@dslextreme.com>

09/28/2011 11:02 PM

To: olga_estrada@dot.ca.gov
cc:

**Subject: Don't sell the old Caltrans building to the highest bidder! Keep your word and give it to
The PRD!!!**
Bjorn Palenius

RESPONSES (Letter Z)

Thank you for your comments and your interest in this project.

See response D-1 and F-1

COMMENTS (Letter AA)

From: Dorothy Strout
To: olga_estrada@dot.ca.gov
Subject: Caltrans District 11 Office Complex
Date: 09/30/2011 05:41 PM

California Department of Transportation
Division of Environmental Analysis
Attn: Olga Estrada
4050 Taylor Street
San Diego CA 92110

RE: Sale of Former Caltrans District 11 Office Complex

I am writing to you as a merchant in Old Town to express my firm opposition of this property being sold to anyone other than the California Department of Parks & Recreation.
The area known as "Old Town" San Diego has been waiting patiently for this property to become available to enhance the current State Historical Park. Promises were made to the community when Caltrans received approval to build the new headquarters on Taylor street.

There are so many historical discoveries to be made that would compliment the State Historical Park it would be a tragedy to lose it. Old Town is really starting to gain more visitor momentum and if Caltrans goes against their promises to the community then the city of San Diego as a whole will be losing and going backward instead of moving forward. I implore you to please reconsider your decision to put the building up for public auction. We need our historical building sites and all that history brings with it.

Former San Diego County Sheriff John Duffy once said "Pride In Our History Promises Hope For The Future". At the San Diego County Sheriff's Museum we are taking care of our history because if you don't know where you have been, you cannot be prepared for where you want to go.

Please stop the public sale of this property.

Sincerely,

Dorothy Strout, Executive Director
San Diego County Sheriff's Museum

2384 San Diego Avenue
San Diego CA 92110
619.260.1850

RESPONSES (Letter AA)

Thank you for your comments and your interest in this project.

AA-1 See responses D-1, F-1 and F-6

AA-1

COMMENTS (Letter BB)

From: Weber, Steve (NBCUniversal)

To: olga_estrada@dot.ca.gov

Subject: Do the RIGHT thing

Date: 10/02/2011 09:43 PM

Do what was promised. Preserve local San Diego history. Do not prioritize your current money woes over history lessons for multiple generations. Do the right thing and live up to the agreement made with SOHO.

Thank you,

Stephen K. Weber

1721 Washinton Place

San Diego, Ca. 92103

619-925-0098

Sent using BlackBerry

RESPONSES (Letter BB)

Thank you for your comments and your interest in this project.

See responses D-1, F-1 and F-6

COMMENTS (Letter CC)

From: Sondra.Kelley
To: olga_estrada@dot.ca.gov
Subject: Cal trans building
Date: 10/02/2011 12:37 PM
Please help as best you can to keep the ca-trans building historic and not auctioned off to the highest bidder.
Sondra Kelley 3634 7th ave. S>D> 92103

RESPONSES (Letter CC)

Thank you for your comments and your interest in this project.

COMMENTS (Letter DD)

From: Stephen Gordon
To: olga_estrada@dot.ca.gov
Subject: Caltrans building
Date: 10/02/2011 11:03 PM

Dear Olga Estrada:

I urge you to retain the San Diego Caltrans Building property for extension of Old Town Park as was originally agreed to in the past.

Sincerely,

Stephen J. Gordon, MD
1820 Neale Street
San Diego, Ca. 92103

RESPONSES (Letter DD)

Thank you for your comments and your interest in this project.

See responses D-1, F-1 and F-6

COMMENTS (Letter EE)

Nancy Brickson
<nancybrickson@cox.net>
10/03/2011 10:30 AM
To <olga_estrada@dot.ca.gov>
cc
Subject Caltrans

We have enjoyed old Town for many years. Please honor the pledge to have the Caltrans building used as a doorway to Old Town Park. We do not need more traffic then we already have.

Sincerely
Nancy Brickson

RESPONSES (Letter EE)

Thank you for your comments and your interest in this project.

See responses D-1, F-1 and F-6

COMMENTS (Letter FF)

Betty Hauck
<hauckcw@sbcglobal.net>
10/03/2011 10:52 PM
To: <olga_estrada@dot.ca.gov>
cc:
Subject: sale of cal trans building

Dear Olga Estrada,
Please reconsider the pending auction of this building. Use of that land would be a great addition to the existing State Park. If the land were to be sold it would violate the previous promise to deed it to the Old Town State Park. Thank you. Betty Hauck

RESPONSES (Letter FF)

Thank you for your comments and your interest in this project.

See responses D-1, F-1 and F-6

COMMENTS (Letter GG)

Linda Stouffer
<L.Stouffer@torreypinesbank.com>
10/03/2011 08:35 AM
To "olga_estrada@dot.ca.gov" <olga_estrada@dot.ca.gov>
cc
"laurie_berman@dot.ca.gov" <laurie_berman@dot.ca.gov>, "rooleman@parks.ca.gov" <rooleman@parks.ca.gov>, "senator.kehoe@sen.ca.gov" <senator.kehoe@sen.ca.gov>
Subject CalTrans abandoned building

At the urging of SOHO, I join the group asking for the State of California to abide by its promise to sell the abandoned property at the corner of Juan and Taylor to the Department of Parks for further use in preserving the heritage of the area.

Please do not go back on your word.

Sincerely,

Linda Stouffer
858-523-4664 Direct Line
858-735-0213 Cell
619-233-3590 Fax

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RESPONSES (Letter GG)

Thank you for your comments and your interest in this project.

See responses D-1, F-1 and F-6

COMMENTS (Letter HH)

From: Pat Cologne
To: olga_estrada@dot.ca.gov
Subject:
Date: 10/03/2011 07:23 AM

Dear Ms. Estrada,

I firmly and clearly oppose the sale of the California heritage site in Old Town San Diego by Caltrans.

Patricia R. Cologne
P.O. Box 1877
Rancho Santa Fe, CA 92067

RESPONSES (Letter HH)

Thank you for your comments and your interest in this project.

COMMENTS (Letter II)

k.claffy@calda.org
10/11/2011 05:06 PM
To: <olga_estrada@dot.ca.gov>,
<laurie_berman@dot.ca.gov>,
cc: <rcoleman@parks.ca.gov>,
<senator.kehoe@sen.ca.gov>, k.claffy
<k.c@calda.org>
Subject: CalTrans headquarters building in Old Town

Ms. Estrada, Ms. Berman,
I am writing to express concern that Caltrans is considering backing out of its commitment to transfer their old headquarters building to Old Town San Diego, a commitment made because our community granted an exception in allowing Caltrans to construct their new multi-story headquarters across the street, completely out of scale and inconsistent with the architecture of Old Town.

This site is one of the most historically significant and symbolic pieces of land in all of California, and the city and state would benefit a lot more in the long-term from the additional tourist traffic that its renovation could bring into Old Town than from a one-time sale of the site in a depressed and still falling real estate market. Selling it off to the highest bidder now does not even make economic sense, even if it were ethical under the circumstances.

There are many meaningful historic resources represented as well as physically existing underneath the abandoned Caltrans site. No one taking the public interest seriously could back out of a promise to return this site to the Department of Parks and Recreation, especially given the community sacrifice in exchange for which it was promised.

This is a once in a lifetime opportunity to leave an important, lasting legacy for present and future San Diegans. I am asking that Caltrans please keep their promise and recognize their obligation to the public good to protect such rare historic and cultural resources.

Best regards,

Dr. Kimberly Claffy
4140 Sunset Road
San Diego, CA 92103
619 542 1879

II-1

II-2

RESPONSES (Letter II)

Thank you for your comments and your interest in this project.

II-1 See responses D-1, F-1 and F-6

II-2 See responses M-1 and M-2

COMMENTS (Letter JJ)

(Date)

California Department of Transportation
Division of Environmental Analysis
Attn: Olga Estrada
4050 Taylor Street
San Diego, CA 92110

RE: Sale of Former Caltrans District 11 Office Complex

Dear: Olga Estrada

I write to you today to express my firm opposition of this property being sold to anyone other than the California Department of Parks and Recreation.

In order to win public approval to build its current District 11 headquarters on Taylor Street in Old Town, Caltrans made a promise to the Old Town community that it would transfer its former headquarters to DPR so that this property could become the long-awaited "front door" to Old Town San Diego State Historic Park, as a benefit to the millions of residents and tourists who patronize this park.

JJ-1

The addition of this property into Old Town San Diego State Historic Park would allow an exhibition of what Native American life was along the San Diego River. It would also enhance pedestrian access to the state park and safer pedestrian access to Presidio Park. In addition, the following historic buildings and cultural resources could be excavated from beneath the former Caltrans building, where they have been hidden from the public for more than 50 years: the Fitch Store (1843), Lyon's Bowling Saloon (1853) and the Louis Strass store and residence (1850). Also, the following buildings would be recovered from under the existing parking lot: the Serrano Adobe, dating from the 1830s, the Osuna House Adobe (1830), possibly the Aguilar Adobe (1827) and the Fitch House Adobe and Fitch's first store, dating from the 1830s. This is the first known store in the state of California.

JJ-2

Please stop the public sale of this property. Not only did Caltrans make a promise to the citizens and businesses in Old Town but the property is too rich in cultural, environmental and historical resources to be sold to a private party.

Sincerely,

cc: Laurie Berman, District 11 Director, California Department of Transportation
Ruth Coleman, Director, California Department of Parks and Recreation
Sen. Christine Kehoe, California State Senate

RESPONSES (Letter JJ)

Thank you for your comments and your interest in this project.

JJ-1 See responses D-1, F-1, F-6 and F-14

JJ-2 See responses M-1 thru M-5

COMMENTS (LETTER KK)
FORM LETTER #2 (As submitted by the OTCPG)

Old Town Community Planning Group
2115 Kurtz Street
San Diego, CA 92110

September 23, 2011

California Department of Transportation
Division of Environmental Analysis
Attn: Olga Estrada
4050 Taylor Street, MS 242
San Diego, CA 92110

RE: Transfer Old Caltrans Building to State Parks

Dear Ms. Estrada,

The purpose of this correspondence is to urge Caltrans to immediately transfer the Old Caltrans District 11 Headquarters to State Parks. The Old Town Community Planning Group (OTCPG) requests Caltrans to vacate any plans for auction or sale of said property.

There are various reasons why OTCPC requests such a transfer. First is the significant restoration issues and mitigating factors condemning the land. OTCPC desires to see the Fitch Store restored, the Cosoy Indian Village restored, and to recreate the original riverbank on the old Caltrans land that is located on the property. While there are many factors related to the significance of this deserted parcel, we believe with certainty our efforts along with aligned conservancy groups can rightfully preserve this property.

Secondly, the grounds have significant historical and educational value to Old Town and the historic state park. OTCPC desires to preserve this piece of Old Town cultural history. This rich history includes the Cosoy burial grounds. Integrating this property into Old Town San Diego State Historic Park will allow other local organizations to establish public plazas, educational kiosks, guided tours and community gardens.

Furthermore, the State Park can and should expand to Taylor Street. This increase in park size would benefit the recreational needs of the community, thus creating an upsurge in tourism. A substantial increase in tourism could be accommodated with State Parks occupying this property, which in turn increases Old Town San Diego State Historic Park's projected revenues. The planned redevelopment of this site by State Parks could create a significant amount of jobs locally.

RESPONSES (LETTER KK)

KK-1 See responses D-1, F-1, F-6 and F-14

KK-2 See responses M-1 thru M-5

KK-3 Comment noted.

KK-1

KK-2

KK-3

COMMENTS (LETTER KK)

California Department of Transportation
Division of Environmental Analysis
Attn: Olga Estrada
Page 2

More importantly, OTCPG, to our dismay, gave permission for the new Caltrans building to have a high variance allowance in exchange for the old Caltrans Headquarters Building being given to State Parks and torn down. The new Caltrans building was built but Caltrans has been in breach by not transferring the property to State Parks. OTCPG requests performance by Caltrans as OTCPG has lived up to its side of the bargain.

KK-4

Funding has been provided in that \$2.3 million has been set aside to transfer the property to CA State Parks and an additional \$7.3 million was been set aside for demolition of the building.

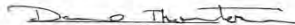
KK-5

Finally, OTCPG demands the auction of the building be stopped and for Caltrans to work with the Governor in a resolution to transfer the property to California State Parks.

OTCPC requests an opportunity to discuss with Caltrans how we can together make the best use of the land for all San Diegans for generations to come.

KK-6

Sincerely,



David Thornton

Chair, Old Town Community Planning Group

cc: Laurie Berman, District 11 Director, California Department of Transportation
Ruth Coleman, Director, California Department of Parks and Recreation

RESPONSES (LETTER KK)

KK-4 D-15

KK-5 Comment noted.

KK-6 Comment noted.

CHAPTER 5.0 – LIST OF PREPARERS

Sandra Lavender, Associate Environmental Planner, Environmental Generalist; B.A. Urban Studies and Planning; University of California San Diego; 9 years of Caltrans experience.

Karen C. Crafts, Associate Environmental Planner, Archaeologist; B.A. Anthropology, San Diego State University; 27 years of Caltrans experience.

Olga Estrada, Senior Environmental Planner, Environmental Analysis Branch Chief; B.A. Psychology - California State University Fresno; 20 years of Caltrans experience.

Bruce April, Deputy District Director, Environmental Division; B.S. Biology; San Diego State University; 20 years of Caltrans experience

Kevin Hovey, Senior Environmental Planner, Project Analysis-Cultural Resource Studies; M.A. University of California Riverside; 13 years of Caltrans experience.

Owen Chung, Transportation Engineer/Civil, Hazardous Waste; M.S. Civil Engineering; B.S. Civil Engineering; San Diego State University; 13 years of Caltrans experience.

Jayne Dowda, Senior Transportation Engineer, Branch Chief, Environmental Engineering; B.S. Civil Engineering - San Diego State University; Registered Civil Engineer; 11 years of Environmental Engineering experience, 26 years Caltrans experience.

Claudia Barron, Graphic Designer; B.F.A; Syracuse University; 21 years of Caltrans experience.

CHAPTER 6.0 – DISTRIBUTION LIST

The Honorable Jerry Sanders
Mayor
City of San Diego
202 C Street
San Diego, CA 92101

The Honorable Christine Kehoe
California State Senate
District 39
2445 5th Avenue, Suite 200
San Diego, CA 92101

The Honorable Ron Roberts
San Diego County Board of Supervisors
District 4
1600 Pacific Highway, Room 335
San Diego, CA 92101

Mr. Milford Wayne Donaldson, FAIA
Office of Historic Preservation
Department of Parks & Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

Mr. Clay Phillips
Department of Parks & Recreation
4477 Pacific Highway
San Diego, CA 92110

Mr. Rob Hutsel
The San Diego River Park Foundation
PO Box 80126
San Diego, CA 92138

Old Town San Diego
Chamber of Commerce
2415 San Diego Avenue, Suite 107
San Diego CA 92110

San Diego History Center
1649 El Prado, Suite 3
San Diego, CA 92101

State Clearinghouse
1400 10th Street
Sacramento, CA 95812

The Honorable Kevin Faulconer
Council President Pro Tem
City Administration Building
202 "C" Streets, Tenth Floor
San Diego, CA 92101

The Honorable Toni Atkins
California State Senate
District 76
2445 5th Avenue, Suite 401
San Diego, CA 92101

Mr. David Thornton
Old Town San Diego Community Planning Group
2115 Kurtz Street
San Diego, CA 92110

Ms. Myra Hermann
City of San Diego
Department of Development Services
1222 First Avenue, MS 501
San Diego, CA 92101-4155

Mr. Rafiq Ahmed
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630

Mr. Bruce Coons
Save Our Heritage Organisation
2476 San Diego Avenue #B
San Diego CA 92110

Mr. Victor Crosthwaite Contreras
Old Town Descendants Group
171 N. Del Mar Avenue
Chula Vista, CA 91910

Department of Parks & Recreation
1416 9th Street
Sacramento, CA 95814

County of San Diego
Clerks Office
County Administration Center
1600 Pacific Highway, Room 260
San Diego, CA 92101

Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

Sycuan Band of the Kumeyaay Nation
Danny Tucker, Chairperson
5459 Sycuan Road
El Cajon, CA 92021

Viejas Band of Kumeyaay Indians
Hon. Robert Welch
P.O. Box 908
Alpine, CA 91903

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road
Alpine, CA 92001

Campo Kumeyaay Nation
Monique LaChappa, Chairperson
36190 Church Road, Suite 1
Campo, CA 91906

Inaja Band of Mission Indians
Rebecca Osuna, Spokesperson
2005 S. Escondido Blvd.
Escondido, CA 92025

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road
Lakeside, CA 92040

Ewiiapaayp Tribal Office
Will Micklin, Executive Director
4054 Willows Road
Alpine, CA 91901

Ewiiapaayp Tribal Office
Michael Garcia, Vice Chairperson
4054 Willows Road
Alpine, CA 91901

Kumeyaay Cultural Repatriation Committee
Bernice Paipa, Vice Chairperson
P.O. Box 1120
Boulevard, CA 91905

Barona Group of the Capitan Grande
Edwin Romero, Chairperson
1095 Barona Road
Lakeside, CA 92040

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
P.O. Box 1120
Boulevard, CA 91905

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
P.O. Box 365
Valley Center, CA 92082

Lipay Nation of Santa Ysabel
Virgil Perez, Spokesperson
P.O. Box 130
Santa Ysabel, CA 92070

Jamul Indian Village
Kenneth Meza, Chairperson
P.O. Box 612
Jamul, CA 91935

Mesa Grande Band of Mission Indians
Mark Romero, Chairperson
P.O. Box 270
Santa Ysabel, CA 92070

Kumeyaay Cultural Heritage Preservation
Paul Cuero
36190 Church Road, Suite 5
Campo, CA 91906

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775
Pine Valley, CA 91962

Ipai Nation of Santa Ysabel
Clint Linton, Director of Cultural Resources
P.O. Box 507
Santa Ysabel, CA 92070

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
P.O. Box 1302
Boulevard, CA 91905

Kumeyaay Diegueno Land Conservancy
M. Louis Guassac, Executive Director
P.O. Box 1992
Alpine, CA 91903

Old Town Visitor Information Center
2415 San Diego Avenue
Suite 111
San Diego, CA 92110

San Diego River Conservancy
Michael Nelson
Executive Officer
1350 Front Street, Suite 3024
San Diego, CA 92101

San Diego State University
Department of Anthropology
Seth Mallios, Ph.D
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San Diego County Sheriff's Museum
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Robert Wohl
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Old Town Trolley Tours & Seal
Tours of San Diego
David Thornton
2115 Kurtz Street
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Centro Cultural de la Raza
John Savage
2125 Park Boulevard
San Diego, CA 92101

Mt. Tamalpais Interpretive Association
Ann Komer
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Corte Madera, CA 94976

Mission Hills Heritage
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Suite 2, #221
San Diego, CA 92103

Viejas Kumeyaay Indian Reservation
Frank Brown
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University of San Diego
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Molly McClain
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San Diego, CA 92110

Bazaar Del Mundo
Diane Powers
4133 Taylor Street
San Diego, CA 92110

Torrey Pine Docent Society
Ken King
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Del Mar, CA 92014

Mr. Greg Holmes
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630

CHAPTER 7.0 – REFERENCES

California Department of Toxic Substances Control (DTSC)
2009 Cortese List (Government Code Section 65962.5). Available at:
http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm

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1987 Old Town Community Plan

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Environmental Management Inc. /Clayton Environmental Consultants, Inc
1986 Asbestos Survey and Management Plan

Geocon Environmental Consultants
2000 Site Investigation Report – Former Caltrans Motor Pool

State Historical Preservation Officer (SHPO)
2011 Determination of Eligibility for the National Register and the California Register of
Historical Resources

Appendix A – Title VI Policy Statement

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR
P.O. Box 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY 711



*Flex your power!
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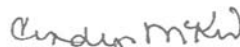
July 20, 2010

**TITLE VI
POLICY STATEMENT**

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

For information or guidance on how to file a complaint based on the grounds of race, color, national origin, sex, disability, or age, please visit the following web page:
http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.html.

Additionally, if you need this information in an alternate format, such as in Braille or in a language other than English, please contact Charles Wahnnon, Manager, Title VI and Americans with Disabilities Act Program, California Department of Transportation, 1823 14th Street, MS-79, Sacramento, CA 95811. Phone: (916) 324-1353 or toll free 1-866-810-6346 (voice), TTY 711, fax (916) 324-1869, or via email: charles_wahnnon@dot.ca.gov.


CINDY MCKIM
Director

Appendix B – State Historic Preservation Office Correspondence

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



March 7, 2011

Kim T. Smith
Department of Transportation
District 11
4050 Taylor Street, M.S. 120
San Diego, CA 92110

RE: Public Resources Code 5024 Notification and Request for Comments for the Former
District 11 Office Building Complex Evaluation, San Diego (E-FIS 1100000072P2)

Dear Ms. Smith:

Thank you for requesting my comments on the above cited notification. You have sought my comments as to the historical significance of the former Caltrans District 11 Office Complex (Complex), located at 2829 Juan Street, San Diego, San Diego County. My staff has reviewed the documentation you provided and I would like to offer the following comments.

Specifically, you had requested my comments pursuant to PRC 5024(b). Your staff had completed an historical evaluation of the Complex in question and had concluded it meets the National Register of Historic Places criteria A and C. I concur that the complex meets criterion C but based on the information presented, I do not believe a reasonable justification was made for criterion A.

With regards to criterion C, the Complex is a good example of "Modernist" office building in the local San Diego area and appears the best designed district office complex built during the period from 1947 through 1967. The period of significance for the Complex is 1953-1958. Your staff correctly concluded the Complex meets the National Register criterion C and the California Register of Historical Resources criterion 3. I concur with your determination.

Staff also evaluated the Complex under criterion A and (1) for the same two Registers. In doing so, context was provided to show why during the period following World War II, the Division of Highways underwent a period of expansion which greatly improved California's highway system. I am not questioning this historic observation; however, I do not believe an adequate case was made why this specific district office should be considered more significant than others for which I have concluded that significance pursuant to Criterion A had not been met.

Thank you for requesting my comments. I look forward to continuing the consultation process in the future. If my staff can be of any further assistance, please contact Amanda Blosser or Dwight Dutschke at 916-445-7000.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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April 22, 2011

Kevin Hovey
Department of Transportation
4050 Taylor Street, M.S. 242
San Diego, CA 92110

RE: Public Resource Code 5024 and 5024.5 Notification and Request for Comments
Regarding Disposal of the Former District 11 Office Building Complex, San Diego, CA
(E-FIS 1100000072P2)

Dear Mr. Hovey:

Thank you for requesting my comments on the above cited project. As noted, you seek my comments pursuant to Sections 5024 and 5024.5 of the Public Resources Code. My staff has reviewed the documentation you provided and I would like to offer the following comments.

I previously concurred with your determination that the Complex was a historical resource and I added it to the Master List of State-owned Historical Resources. In discussions with my staff, we developed a plan to determine the reasonableness of attempting to sell the Complex with a protective covenant for its rehabilitation and adaptive reuse. You implemented the plan by contacting three professionals with experience in such reuse. You have concluded that given the location of the Complex and other limitations, it is not prudent or feasible to sell it with such restrictions and thus sale of the complex will result in an adverse effect to the historical resource. I agree with your conclusion and find the same.

You have proposed mitigation through Completion of Heritage Documentation and an "Open House" both described on page 6 in the *Supplemental Historical Resources Compliance Report Former District 11 Office Building Complex 2829 Juan Street, San Diego, California (E-FIS 1100000072 P2)*. I would recommend that in addition to these measures that incentives such as the Mills Act and the Federal Rehabilitation Tax Credits be identified at the time of sale to encourage consideration of adaptive reuse. This requirement would not be a condition of sale but provided as a point of information. With implementation of these measures, I have no additional recommendations and I concur you have made a reasonable and good faith effort to adopt prudent and feasible measures to take adverse effects to the historical resource into account.

Sincerely,

Susan H. Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

List of Character Defining Features for the Former District Office Complex

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION	Primary #: HRI #/Trinomial
CONTINUATION SHEET	

☒ Continuation ☐ Update

Caltrans Map Reference No.: n/a

Resource Identifier: Caltrans D-11 Former Office Bldg.

County/Route/Postmile: 11-SD-5 PM 19.8

CHARACTER-DEFINING FEATURES

MOST SIGNIFICANT

- Asymmetric design of the north front elevation with a third-story mechanical and stairwell tower
- Design is a compilation of simple modern building blocks
- Streamline design along the east wing with linear board formed concrete and ribbons of windows
- Board formed concrete exterior walls
- Ribbons of multiple horizontal pane steel windows
- Wide flat cantilevered canopies over windows
- Windows wrapped around corners
- Boxed flat roof brick veneer west wing facing Calhoun Street
- Two story stacked bond scored brick veneer on right side of north front elevation
- Ribbons of windows delineated by simple protruding window frame within brick veneer walls
- Streamline and brick elements converge at the north front elevation, to create balanced design
- Monumental entry large square overhang with checkered pattern of scored bricks on the front elevation facing Taylor Street
- Single stout round column at north front entry
- Floor to ceiling wall of plate glass at north front entry

SIGNIFICANT

- Brick walls and terrazzo floors carried from outside to inside past main entry glass wall at north front entry
- Taylor Street lobby space that includes built-in sofa with square side tables, planter half-wall with narrow columns separating lobby from hallway, and stairwell at back of lobby
- Long interior hallways and large open spaces of work areas
- Original wood panel divided offices on first floor
- Low berm landscaping with steps, heavy square concrete planters, and scored terrazzo landing (Taylor St.)
- Juan Street lobby space including stacked bond scored brick wall running outside to inside, full height plate glass wall with doors, and brick pattern walkway leading to lobby

LESS SIGNIFICANT

- First floor restrooms near lobby – marble stalls, wood doors, ceramic tiles
- Central courtyard
- Scored plaster squares of tower exterior walls
- 1964 addition, Juan Street side, with protruding first story room sheathed in brick, smooth stucco walls on remainder of addition, and continuation of ribbons of windows (though single pane aluminum casement pattern)



Appendix C – Hazardous Waste Assessment

Memorandum

*Flex your power!
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To: Sandra Lavender
Environmental Analysis - A

Date: July 29, 2011

File: 11-SD -5
R/W 002489-01-04
P.M. 19.8
EA 0R0002

From: Owen Chung, P.E.
Environmental Engineering

Subject: Excess Land for Disposal – Former District Office

A hazardous waste review has been completed for the facility referenced above. The facility formerly housed the District Office for the California Department of Transportation (Caltrans) - District 11. The facility was used as an office complex for District personnel consisting of administrative and technical work areas as well as executive suites. A small parking lot and lunch room/cafeteria facility are also included on-site. It is our understanding that Caltrans is pursuing the transfer of this property from State ownership.

A review of the historical and current information has determined that asbestos-containing materials (ACM) are the most significant HAZMAT issue associated with this structure. Asbestos surveys conducted in 1986 and 1999 by the Department of General Services have identified the locations of the ACM as well as material presumed to be ACM. During the 1990's some of the ACM was determined to be in poor condition and was abated to minimize exposure to the occupants. Future owners/occupants of the building will need to maintain or abate the remaining ACM as appropriate.

No underground fuel storage tanks are in use at the site. The last tank known to exist on site was a 280-gallon diesel tank used to supply a backup power generator for the offices. This tank was removed in 1994 and subsequent sampling determined that no contamination remains at that location.

A known groundwater –contaminated site existed to the west of the district office property, on lands owned by California Department of Parks and Recreation (at 4007 Taylor Street). This contamination originated from vehicle maintenance and fuel dispensing activities conducted on that property during the 1950's and 60's. The site was partially remediated in the late 1990's by the City of San Diego, by removal of some of the contaminated soil and groundwater. Based on monitoring well observations, Caltrans has determined that the migration path for groundwater at this site is toward the west and away from the district office property (see Geocon Environmental Consultants report entitled "Site Investigation Report – Former Caltrans Motor Pool" and dated June 2000). Therefore it is unlikely that groundwater contamination from this source would be a hazardous waste issue for the property.